SUPREME COURT OF THE UNITED STATES.

No. 240.

THE UNITED STATES, PLAINTIFFS IN ERROR,

vs.

JOSEPH B. WILKINSON, CHRISTOPHER ROSELIUS, JOHN L. LEWIS, LOUIS BRINGIER, MANDEVILLE MARIGNY, AND JOHN R. GRYMES.

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United States circuit court, fifth circuit and district of Louisiana.

THE UNITED STATES
vs.
J. B. WILKINSON et al. } No. 1727.

Pleas and proceedings before the honorable circuit court, fifth circuit, and district of Louisiana, at a circuit court of the United States, in and for the fifth circuit and district aforesaid, being the April term, A. D. eighteen hundred and forty-nine, of said court, held at the city of New Orleans, on the 8th day of May, A. D. 1849.

Be it remembered, that heretofore, to wit, on the eleventh day of July, A. D. 1848, came the United States, by their attorney, Thomas J. Durant, in the clerk's office of said court, and filed a petition and bond, which reads in the words and figures following, to wit:

UNITED STATES OF AMERICA, *district of Louisiana.*

To the honorable the judges of the circuit court of the United States, for the fifth circuit and district of Louisiana.

Thomas J. Durant, attorney of the United States for the district of Louisiana, in his own proper person, now comes into this honorable court, and on behalf of the United States here gives the court to understand and be informed, that heretofore, to wit, on the twenty-seventh day of July, in the year one thousand eight hundred and thirty-nine, William McQueen, then a resident of the city of New Orleans, in the State of Louisiana, was appointed by the President of the United States to be postmaster in the said city of New Orleans, in the State aforesaid, until the end of the next session of the Senate of the United States, after the aforesaid date of his appointment; at which date the Senate of the United States was not in session; that under and in consequence of said appointment, he gave bond with surety for the faithful performance of the duties of his said office; that he entered upon the discharge of said office, and continued to fill the same until the fifteenth day of February, in the year one thousand eight hundred and forty.

And the attorney aforesaid gives the honorable court aforesaid further to understand and be informed, that on the aforesaid fifteenth day of February, in the year one thousand eight hundred and forty, that the aforesaid William McQueen was appointed by the President of the United States to be postmaster at the city of New Orleans, in the district aforesaid, for the space and term of four years from said date, and was so confirmed by the Senate of the United States; that in order to secure the faithful performance of the duties of his aforesaid office of postmaster under the said second appointment for four years, the said William McQueen did, on the eighth day of June, in the year one thousand eight hundred and forty, in the city of New Orleans, enter into a bond in the sum of fifty thousand dollars, with Louis Bringier, Joseph B. Wilkinson, John L.

Lewis, John R. Grymes, C. Roselius, and M. Marigny, which bond is in the words and figures following, to wit, and hereunto annexed, by authentic copy, as a part hereof:

Copy of bond.

Know all men by these presents, that we,* William McQueen, of New Orleans, in the parish of Orleans, State of Louisiana, and L. Bringier, Joseph B. Wilkinson, John L. Lewis, John R. Grymes, C. Roselius, and M. Marigny, are held and firmly bound unto the United States of America, in the just and full sum of fifty thousand dollars; for the payment thereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names, and affixed our seals, this 8th *eighth* day of June, in the year of our Lord one thousand eight hundred and forty.

The condition of this obligation is such, that whereas the above bounden† William McQueen is postmaster at New Orleans aforesaid; now, if the said William McQueen shall well and truly execute the duties of the said office according to law and the instructions of the Postmaster General, and faithfully once in three months, and oftener if thereto required, render accounts of his receipts and expenditures, as postmaster, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands for the postage of whatever is by law chargeable with postage in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and, moreover, shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he, as agent as aforesaid, shall receive for the use and benefit of the said Post Office Department, then the above obligation shall be void.

WM. McQUEEN. [SEAL.]
JOS. B. WILKINSON. [SEAL.]
L. BRINGIER. [SEAL.]
JNO. L. LEWIS. [SEAL.]
JNO. R. GRYMES. [SEAL.]
C. ROSELIUS. [SEAL.]
M. MARIGNY. [SEAL.]

Witness: J. F. HEBERT.
M. GRIEVES.

I hereby certify, that L. Bringier, Jos. B. Wilkinson, Jno. L. Lewis, Jno. R. Grymes, C. Roselius, and M. Marigny, are good and sufficient sureties, severally, for the amount of the penalty in the foregoing bond.

O. P. JACKSON, *Judge.*

* Insert the names of the sureties in the body of the bond, also the

date. The signatures to the bond should be witnessed, and the certificate should be signed by a mayor, judge, or justice of the peace, officially.

† Correct the name of the postmaster if wrongly written.

I hereby certify, that the foregoing transcript is a true copy of the original bond on file in this office.

In testimony whereof I have hereunto subscribed my name and caused to be affixed the seal of the Auditor of the Treasury for the Post Office Department, this twenty-ninth day of July, in the year one thousand eight hundred and forty. [SEAL.]

C. K. GARDNER,
Auditor of the Treasury for the Post Office Dep'nt.

Now, the attorney aforesaid gives the honorable court aforesaid further to understand and be informed, that the said William McQueen did not comply with the conditions of said bond, and did not fulfil the duties of his office of postmaster at New Orleans, as he was bound to do; and especially that the said William McQueen, during the time he was acting as postmaster at New Orleans, under his aforesaid second appointment, received large sums of money, to wit, the sum of twenty thousand and sixty dollars and ninety-two cents, which he entirely failed, neglected, and refused to pay over to the United States, as he was bound to do; and that the said amount is now still due and owing by the said McQueen to the United States, together with interest thereon, at the rate of six per centum per annum, from the seventh day of August, in the year one thousand eight hundred and forty; all of which indebtedness appears by the statement and adjustment of the account of the said William McQueen by the proper accounting officers of the treasury of the United States, now on file in this honorable court, to wit, in the matter of the United States vs. F. L. Lewis and others, No. 961, on the docket of this court.

By reason of all which the premises it is alleged, that the said sureties, Joseph B. Wilkinson, John L. Lewis, John R. Grymes, Christian Roselius, Mandeville Marigny, and Louis Bringier, have become liable to pay the United States the aforesaid sum of twenty thousand and sixty dollars and ninety-two cents.

Wherefore the attorney of the United States aforesaid prays the said Joseph B. Wilkinson, John L. Lewis, John R. Grymes, Christian Roselius, Mandeville Marigny, and Louis Bringier, be cited to answer this petition; and that after due proceedings had judgment be entered up against them, jointly and severally, for the said sum of twenty thousand and sixty dollars and ninety-two cents, with interest, at six per centum per annum, from the eighth day of June, in the year one thousand eight hundred and forty.

THOMAS J. DURANT,
Att'y of the U. S. for the district of La.

Copy of bond annexed to petition.

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, State of Louisiana, and L.

Bringier, Joseph B. Wilkinson, John L. Lewis, John R. Grymes, C. Roselius, and M. Marigny, are held and firmly bound unto the United States of America, in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this 8th *eighth* day of June, in the year of our Lord one thousand eight hundred and forty.

The condition of the above obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid: Now, if the said William McQueen shall well and truly execute the duties of his said office according to law and the instructions of the Postmaster General, and faithfully, once in three months, and oftener if thereto required, render accounts of his receipts and expenditures as postmaster to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands for the postage of whatever is by law chargeable with postage in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and, moreover, shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he as agent as aforesaid shall receive for the use and benefit of the said Post Office Department, then the above obligation shall be void.

WM. McQUEEN, [SEAL.]
LS. BRINGIER, [SEAL.]
JOS. B. WILKINSON, [SEAL.]
JOHN L. LEWIS, [SEAL.]
JOHN R. GRYMES, [SEAL.]
C. ROSELIUS. [SEAL.]

Witnesses:
J. J. HEBERT,
M. GREIVERS.

I hereby certify, that Ls. Bringier, Joseph B. Wilkinson, John L. Lewis, John R. Grymes, C. Roselius, and M. Marigny, are good and sufficient sureties, severally. for the amount of the penalty in the foregoing bond.

O. P. JACKSON, *Judge*.

☞ Insert the names of the sureties in the body of the bond; also the date. The signatures to the bond should be witnessed, and the certificate should be signed by a mayor, judge, or justice of the peace, officially.

* Correct the name of the postmaster if wrongfully written.

I hereby certify, that the foregoing transcript is a true copy of the original bond on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed the seal of the Auditor of the Treasury for the Post Office Department, this twenty-ninth day of July, in the year one thousand eight hundred and forty.

[SEAL.]

C. K. GARDNER,
Auditor for the Treasury for the Post Office Dept.

And afterwards, to wit, on the fourteenth day of July, A. D. 1848, the following citations were issued from this said court, which read in these words and figures, to wit:

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

THE UNITED STATES
vs.
Jos. B. WILKINSON et al. } No. 1727.

You are commanded to summon Christian Roselius, a citizen of the State of Louisiana, to comply with the demand of the United States, contained in the petition of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from N. Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the said United States of America the seventy-third year.

[SEAL.]

E. RANDOLPH, *Clerk.*
JAS. M. DOWNES, *D. Clerk.*

Upon which said citation the marshal made by his deputy the following return, which reads in these words and figures, to wit:

Marshal's return.

Received this 15th day of July, 1848, and on the same served copies of the within citation, plaintiffs' petition and documents annexed, on the within named Christian Roselius in the manner following, to wit, by handing the same to him in person at his office in the city of New Orleans.

Rec'd July 21st, 1848.

J. PRADOS, Jr.
Dy. U. S. marshal.

Citation.

The President of the United States of America, to the marshall of the district of Louisiana, or his lawful deputy, greeting:

The UNITED STATES
vs.
JOSEPH B. WILKINSON et al. } No. 1727.

You are hereby commanded to summon John L. Lewis, a citizen of the State of Louisiana, to comply with the demand of the United States, contained in the petition, of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New [SEAL.] Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the United States of America the seventy third year.

E. RANDOLPH, *Clerk.*
JAS. M. DOWNS, *D. Clerk.*

Marshal's return.

Received this 15th day of July, 1848, and on the 17th day of July, 1848, served copies of the within citation, plaintiffs' petition and documents annexed, on the within named John L. Lewis, in the manner following, to wit, by handing the same to him in person in the city of New Orleans.

Ret'd July 21st, 1848.

J. PRADOS, Jr.
Dy. U. S. marshal.

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

THE UNITED STATES
vs.
JOSEPH B. WILKINSON et al. } No. 1727.

You are hereby commanded to summon Louis Bringier, a citizen of the State of Louisiana, to comply with the demand of the United States, contained in the petition of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which

delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New [L. S.] Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the United States of America the seventy-third year.

E. RANDOLPH, *Clerk*.
JAS. M. DOWNS, *Dep. clerk*.

Marshal's return.

Received this 15th day of July, 1848, and on the 19th day of July, 1848, served copies of the within citation, plaintiff's petition and documents annexed, on the within named Louis Bringier, in the following manner, to wit, by handing the same to him in person at his domicil in the city of New Orleans.

Returned July 21st, 1848.

J. PRADO, Jr.,
Dep. U. S. Marshal.

Citation.

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

UNITED STATES
vs.
JOSEPH B. WILKINSON et al. } No. 1727.

You are hereby commanded to summon Mandeville Marigny, a citizen of the State of Louisiana, to comply with the demand of the United States contained in the petition, of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of [L. S.] New Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the said United States of America the seventy-third year.

E. RANDOLPH, *Clerk*.
JAS. M. DOWNS, *Dep. clerk*.

Marshal's return.

Received this 15th day of July, 1848, and on the 22d day of July, 1848, served copies of the within citation, plaintiff's petition and documents annexed, on the within named Mandeville Marigny, in the manner following, to wit, by handing the same to him in person in the city of New Orleans.

Returned July 26th, 1848. J. PRADOS, Jr.,
D'y U. S. Marshal.

Citation.

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

UNITED STATES
vs. } No. 1727.
JOSEPH B. WILKINSON et al.

You are hereby commanded to summon John R. Grymes, a citizen of the State of Louisiana, to comply with the demand of the United States contained in the petition, of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of [L. S.] New Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the said United States of America the seventy-third. E. RANDOLPH, *Clerk.*
JAS. M. DOWNS, *Dep. clerk.*

Marshal's return.

Received this 15th day of July, 1848, and, after diligent search, John R. Grymes, esq., could not be found in this district.

Returned Sept. 9th, 1848. CHAS. A. LABUZAN,
D'y marshal.

Citation.

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

UNITED STATES
vs. } No. 1727.
JOSEPH B. WILKINSON et al.

You are hereby commanded to summon Joseph B. Wilkinson, a

citizen of the State of Louisiana, to comply with the demand of the United States contained in the petition, a copy of which accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the second Monday of September, A. D. 1848.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of [L. S.] New Orleans, in the said district of Louisiana, this 14th day of July, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the said United States of America the seventy-third year.

E. RANDOLPH, *Clerk.*
JAS. M. DOWNS, *Dep. clerk.*

Marshal's return.

Received this 15th day of July, 1848, and, after diligent search, Joseph B. Wilkinson, esq., could not be found in the district. Returned September 9th, 1848.

CHAS. A. LABUZAN,
Deputy marshal.

And afterwards, to wit, on the 20th day of November, A. D. 1848, the following alias citations were issued from this said court, which read in these words and figures, to wit:

Alias citation.

The President of the United States of America, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

UNITED STATES
vs. } No. 1727.
JOS. B. WILKINSON et al.

You are hereby commanded to summon John R. Grymes, a citizen of the State of Louisiana, to comply with the demand of the United States, contained in the petition of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held. And

that you make due return hereof on the third Monday of December, 1848.

Witness the honorable R. B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New Orleans, in the said district of Louisiana, this 20th day of [SEAL.] November, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the said United States of America the seventy-third year.

JAS. M. DOWNS, *Deputy clerk.*

Marshal's return.

Received this 20th day of November, 1848, and on the 21st day of November, 1848, served copies of the within citation, plaintiffs' petition and documents annexed, on the within named John R. Grymes, in the manner following, to wit, by handing the same to him in person, in the city of New Orleans. Returned November 21st, 1848.

JOS. PRADOS, Jr., *Deputy U. S. marshal.*

Alias citation.

The President of the United States of America, to the marshal of the district *of the district* of Louisiana, or his lawful deputy, greeting:

UNITED STATES
vs.
JOS. B. WILKINSON et al. } No. 1727.

You are hereby commanded to summon Joseph B. Wilkinson, a citizen of the State of , to comply with the demand of the United States, contained in the petition of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, fifth judicial circuit, and district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held. And that you make due return hereof on the third Monday of December, 1848.

Witness the honorable R. B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New Orleans, in the said district of Louisiana, this 20th day of [SEAL.] November, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the United States of America the seventy-third year.

JAS. M. DOWNS, *Deputy clerk.*

Marshal's return.

Received this 20th day of November, 1848, and on the 23d day of the same month served copies of the within citation, plaintiff's petition

and documents annexed, on the within named Joseph B. Wilkinson, in the manner following, to wit, personally at his domicil, in the parish of Plaquemines, 40 miles from New Orleans.

W. WAGNER, *U. S. marshal.*

And afterwards, to wit, on the 7th day of December, A. D. 1848, the following answer of the defendants, by their attorneys, was filed in this said court, which reads in these words and figures, to wit:

Answer.

U. S. CIRCUIT COURT, *district of Louisiana.*

To the honorable the circuit court of the United States, for the fifth circuit and district of Louisiana.

UNITED STATES vs. Jos. B. WILKINSON et al. } No. 1727.

Now come into court John L. Lewis, Christian Roselius, and Mandeville Marigney, and answer to the petition filed against them in the above entitled cause, as follows, viz:

1st. These respondents, admitting their signatures to the bond described and set forth in the petition, and denying all the other allegations thereof, they aver that it affords no ground of action against them, because the said bond was never delivered by these defendants, nor accepted by the Postmaster General as the bond of these defendants, for the purposes set forth in said petition, in manner and form as is required by the statute in such cases made and provided.

These respondents aver, that heretofore, to wit, on the eleventh day of May, 1842, the said plaintiff did institute proceedings against these defendants in this honorable court, as sureties of William McQueen, postmaster at New Orleans, in a certain suit numbered 961 on the docket of this honorable court; which suit was prosecuted to final judgment against these defendants, and still remains unreversed and of full force and effect, being the same suit to which plaintiffs make reference in their petition filed in this suit; and these defendants aver that the said suit, No. 961, was instituted and said judgment rendered for the same cause of action as that averred and set forth in the present suit; all of which will more fully appear by reference to the proceedings in said suit No. 961, which are prayed to be taken as forming part of this answer and plea.

Wherefore, defendants plead said judgment and proceedings in said suit No. 961 in bar of plaintiffs' present action, and as forming "res judicata" in favor of defendants, upon all matters and things averred in the suit now instituted against these defendants; and they pray judgment in their favor in the premises.

PRENTISS & BENJAMIN,
For defendants.

U. S. circuit court, district of Louisiana.

UNITED STATES
vs. } No. 1727.
JOS. B. WILKINSON et al.

To the honorable the circuit court of the United States, for the fifth circuit and district of Louisiana.

Now come into court John R. Grymes and Joseph B. Wilkinson, and in answer to the petition filed against them in the above entitled cause, and

1st. That they deny all the allegations of the said petition, except the fact that they signed the bond therein described; but they say that said bond forms no ground of action against them, because it never was delivered by these defendants, nor accepted by the Postmaster General as the bond of these defendants for the purposes set forth in said petition, in manner and form as required by the statutes in such case made and provided.

2d. These respondents aver, that heretofore, to wit, on the eleventh day of May, A. D. 1842, suit was instituted by said plaintiffs against C. Roselius, M. Marigny, John L. Lewis, and L. Bringier, co-defendants of these respondents, and whose names are signed as co-sureties with these defendants upon the bond set forth in plaintiffs' petition; which suit was prosecuted to final judgment against said co-defendants; which judgment is unreversed and of full force and effect, as appears by reference to said suit, which is numbered 961 on the docket of this honorable court.

These respondents aver, that said suit and the judgment therein were founded upon the same cause of action, and embrace the same subject matters which are set forth as the cause of the present action, and is the same suit specially referred to by plaintiffs in their petition. Respondents aver, that said judgment and proceedings in said suit No. 961 have the force and effect of the thing adjudged as to their said co-defendants, who, by virtue thereof, are wholly released and discharged from all liability on the bond set forth in the present suit, for and on account of any defalcation or indebtedness of said McQueen, postmaster at New Orleans.

And respondents aver, that, by reason of the premises and of the discharge of their co-sureties on said bond from all further liability thereon, these respondents are also discharged and released.

Wherefore, these respondents plead the proceedings had against their co-sureties in said suit No. 961 as a bar to the present action, and they pray that said proceedings in said suit No. 961 be taken and considered as part of this plea and answer; and they pray judgment in their favor.

PRENTISS & BENJAMIN,
For respondents.

And afterwards, to wit, at the December term, 1848, on the 26th day of January, A. D. 1849, the following order was entered upon the minutes of said court, which reads in these words and figures, to wit:

UNITED STATES
vs.
J. B. WILKINSON et al. } No. 1727.

On motion of J. P. Benjamin, esq., attorney for the defendants, leave is granted to file an amended answer praying for a trial by a jury; and it is further ordered, that this cause be set for trial for Monday, the 29th instant.

Supplemental answer.

UNITED STATES
vs.
JOS. B. WILKINSON et al. } No. 1727.

U. S. circuit court.

The defendants, by this their supplemental answer, humbly pray that the cause be tried by a jury.

PRENTISS & BENJAMIN,
For defendants.

And afterwards, to wit, on the 29th day of January, A. D. 1849, the following order was entered upon the minutes of said court, which reads in these words and figures, to wit:

UNITED STATES
vs.
J. B. WILKINSON et al. } No. 1727.

The trial of this cause being assigned for this day was, on account of the judge being unwell, continued until a further day.

Plea in bar.

United States circuit court for Louisiana.

UNITED STATES
vs.
J. B. WILKINSON et al. } No. 1727.

And now come all the defendants in the above entitled cause into court, and with leave of the court file this their plea in bar; and these defendants aver:

That the said United States cannot have nor maintain the present action against these defendants, for this, to wit, that, by the act of Congress of the United States, it is specially provided that no suit shall be instituted against the sureties of any postmaster on the official bond of such postmaster, when more than two years have elapsed from the date of default of such postmaster. Now, these defendants aver, that the default charged in the present action is alleged to have taken place in the year 1840, and the present suit for the recovery, by reason of said default, was not instituted till the 11th July, 1848, long after the lapse of the two years aforesaid.

Wherefore, respondents pray that this their plea in bar be sustained, and that there be judgment in favor of these respondents, discharging

them from the liability asserted against them in the petition, and for all other just and equitable relief.

PRENTISS & BENJAMIN,
For respondents.

And afterwards, to wit, on the seventh day of May, A. D. 1849, of said court, at the April term thereof, the following order was entered upon the minutes of the same, which reads in these words and figures, to wit:

UNITED STATES
vs.
WILKINSON, GRYMES, et al. } No. 1727.

The trial of this cause being assigned for this day, appeared the respective parties in court by their counsel; district attorneys for plaintiff, and J. P. Benjamin and S. S. Prentiss, esqs., for defendants; when the following jury were empannelled and sworn to try the issue joined between the parties according to law and the evidence, to wit, B. F. Burgess, W. A. Dunlop, Mortimer Belly, H. R. Wood, George W. Babcock, T. S. Crane, H. Collins, John Johnson, and Andrew Dally, and there being no other persons in attendance in court, therefore it is ordered that attachment issue, returnable to-morrow morning, at 10 o'clock, against the non-attending persons, and that this case be continued until the same hour, and that the jurors already sworn be also discharged until to-morrow morning at 10 o'clock, a. m.

And afterwards, to wit, on the 8th day of May, A. D. 1849, the trial of this cause coming on, the following order was entered upon the minutes of said court, which reads in these words and figures, to wit:

UNITED STATES
vs.
WILKINSON, GRYMES, et al. } No. 1727.

The trial of this cause was this day resumed; the jurors already sworn were called and found present. The court proceeded to complete the panel; whereupon appeared J. Delpit, A. Bonneval, and W. B. Kenney, who were empannelled and sworn to try the issue joined between the parties, according to law and the evidence. Whereupon said cause was opened to the court and the jury, and submitted. The court then charged the jury, and appointed H. R. Wood foreman thereof; and the jury heretofore sworn and empannelled, to wit, H. R. Wood, B. F. Burgess, W. A. Dunlop, Mortimer Belly, George W. Babcock, T. S. Crane, H. Collins, John Johnson, Andrew Dally, J. Delpit, A. Bonneval, and W. B. Kenny, without retiring, rendered their verdict in the words and figures following, to wit: "We, the jury, find for the defendants, May 8th, 1849. H. R. Wood, foreman." Whereupon it was considered by the court that said verdict be and the same is hereby recorded.

Bill of exceptions.

The UNITED STATES vs. J. B. WILKINSON et al. } No. 1727.

In the circuit court of the United States, for the fifth circuit, sitting for the eastern district of New Orleans.

Present, hon. T. H. McCaleb, judge of district court, presiding alone.

April term, 1848.

Be it remembered, that at the April term of the circuit court aforesaid, in the year 1848, on Tuesday, the eighth day of April, 1848, on the trial of the above named cause, the attorney of the United States offered in behalf of the said United States to [be] read in evidence to the jury a certain instrument, being bond annexed to the petition or information in this cause, being an authentic copy, [of] a bond signed by Wm. McQueen as principal, and the parties herein defendant as sureties, for the faithful discharge of the duties of the office of postmaster at New Orleans, dated on the eighth day of June, in the year one thousand eight hundred and forty; to the reading in evidence of which bond the counsel of defendants objected, and the court sustained the objection, and refused to allow the document to be read.

Whereupon the attorney of the United States excepted to the ruling of the court, and tenders this as his bill of exceptions, praying that the same may be signed by the court, and made a part of this record.

THEO. H. McCALEB, [SEAL.]
U. S. Judge.

Judgment.

UNITED STATES vs. WILKINSON, GRYMES, et al. } No. 1727.

The court, considering the verdict of the jury herein rendered on the 8th instant, and the law and the evidence, doth order, adjudge, and decree that there be a final judgment in favor of the defendants, Wilkinson, Grymes, et al., and against the plaintiffs, the United States.

Judgment rendered 30th May, 1849.

Signed 5th June, 1849.

THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And afterwards, to wit, on the 12th day of June, A. D. 1849, the following order was entered upon the minutes of said court in this case, which reads in these words and figures, to wit:

The UNITED STATES vs. WILKINSON, GRYMES, et al. } No. 1727.

On motion of Logan Hunton, attorney of the United States for the

eastern district of Louisiana, and on giving the court to understand and be informed that he verily believes there is error in the verdict and judgment rendered at the present term of this honorable court, to the prejudice of the United States, in the matter of the United States against Wilkinson, Grymes, and others, being numbered 1727 on the docket of this honorable court, and that the United States desire to have a writ of error, that the proceedings may be examined and reviewed in a higher court. It is therefore ordered by the court that the United States, the defendants in said cause, be allowed said writ of error, according to their motion and prayer, and that the proceedings be returnable into the Supreme Court of the United States on the opening of the first or next term of said court after the date of this order.

NOTE.—On the trial of the above entitled suit the plaintiffs therein offered in evidence the treasury transcript which will be found on page 43 of this record.

ED. RANDOLPH, *Clerk*.
Per W. GURLEY, *Dp'y Clerk*.

Record in the suit of the
UNITED STATES, vs. JOHN L. LEWIS et al. } No. 961.
referred to by the defendants, and annexed to, and made part of, their answer.

To the honorable the circuit court of the United States, for the ninth judicial circuit, holding sessions in and for the eastern district of Louisiana.

The petition of the United States of America, by Bailie Peyton, their attorney for said district, respectfully shews, that John L. Lewis, Louis Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, all citizens of the State of Louisiana, residing in the city of New Orleans, within the jurisdiction of this court, are justly indebted to petitioners in solido, or jointly and severally, in the full sum of twenty thousand and sixty dollars and ninety-two cents, with interest thereon from the 7th August, 1840, at the rate of six per cent. per annum, until paid; for this, to wit:

That, on the 19th day of August, 1839, one William *Mc* Mc Queen, then being postmaster of the said United States at the city of New Orleans aforesaid, the said McQueen, who has since and before the institution of this suit removed beyond the jurisdiction of this court, to wit, to the Republic of Texas, where he still resides, John L. Lewis, L. Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, duly signed, sealed, and delivered, in the presence of Edw. Gottschalk and Jacob Hart, lawful and subscribing witnesses, and the same duly delivered their joint and several obligations or bonds to the said United States, and by them, to wit, on the said day last above mentioned, duly accepted; which bond is in substance and to the effect following:

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, State of Louisiana, and John L. Lewis, Ls. Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, all of the city of New Orleans, State of Louisiana, are held and firmly bound unto the United States of America in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this nineteenth day of August, in the year of our Lord one thousand eight hundred and thirty-nine.

The condition of this obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid:

Now, if the said William McQueen shall well and truly execute the duties of said office according to law and the instructions of the Postmaster General, and faithfully, once in three months, and oftener if thereto required, render accounts of his receipts and expenditures as postmaster, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands, for the postage of whatever is by law chargeable with postage, in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and moreover shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he as agent as aforesaid shall receive for the use and benefit of said Post Office Department, then the above obligation shall be void.

JOHN L. LEWIS, [SEAL.]
L. BRINGIER, [SEAL.]
C. ROSELIUS, [SEAL.]
WILLIAM McQUEEN, [SEAL.]
CARLILE POLLOCK, [SEAL.]
M. MARIGNY. [SEAL.]

Witness—EDW. GOTTSCHALK,
JACOB HART.

And your petitioners hereunto annex a duly authenticated copy of said bond for reference and greater certainty, and pray that the same be made and taken as a part hereof.

Petitioners further show that, on the 8th day of June, 1840, the said William McQueen, then being postmaster of the United States at New Orleans aforesaid, the said William McQueen, Ls. Bringier, John L. Lewis, C. Roselius, and Mandeville Marigny, (who signed his name M. Marigny,) together with Joseph B. Wilkinson, who signed his name Jos. B. Wilkinson, and John R. Grymes, did duly sign, seal, and exe-

cute, in the presence of J. J. Hebert and M. Greiner, lawful and sub. scribing witnesses thereto, and the same duly delivered, their joint and several obligation or bond to the said United States; which bond was by them, on the same day, duly accepted, in substance and to the effect following, to wit:

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, State of Louisiana, and L. Bringier, Jos. B. Wilkinson, John L. Lewis, Jno. R. Grymes, C. Roselius, and M. Marigny, are held and firmly bound unto the United States of America, in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this 8th day of June, in the year of our Lord one thousand eight hundred and forty.

The condition of this obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid:

Now, if the said William McQueen shall well and truly execute the duties of said office according to law and the instructions of the Postmaster General, and faithfully, once in three months, and oftener, if thereto required, render accounts of his receipts and expenditures as postmaster, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands for the postage of whatever is by law chargeable with postage, in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such things as may be required of him by the Postmaster General; and, moreover, shall faithfully account with the United States in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he, as agent as aforesaid, shall receive for the use and benefit of said Post Office Department, then the above obligation shall be void.

WM. McQUEEN, [SEAL.]
LS. BRINGIER, [SEAL.]
JOS. B. WILKINSON, [SEAL.]
JOHN L. LEWIS, [SEAL.]
JOHN R. GRYMES, [SEAL.]
C. ROSELIUS, [SEAL.]
M. MARIGNY. [SEAL.]

Witnesses: J. J. HEBERT.
M. GREINER.

And your petitioners hereunto annex a duly authenticated copy of said bond for reference and greater certainty, and pray that the same shall be made a part hereof.

And your petitioners further show, that at the time of signing, sealing, and executing, and delivering to them the two bonds aforesaid, said William McQueen was the lawful postmaster of the United States

of and for New Orleans aforesaid, and from and after said dates, and so continued the functions of said office, and executed the duties thereof until a long time thereafter, to wit, the 7th day of August, 1840.

And petitioners show, that since said 19th August, 1839, and said 8th day of June, 1840, the conditions of said bonds have been broken and violated by said McQueen, postmaster as aforesaid, in this, to wit, that said McQueen did not well and truly execute the duties of his said office according to law and the instructions of the Postmaster General, nor did he faithfully, once in three months, and being thereunto required by the Postmaster General, render accounts of his receipts and expenditures, as postmaster aforesaid, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters; nor did he pay the balance of all moneys that came into his hands as such postmaster for the postage of whatever was *his* by law chargeable with postage in the manner prescribed by the Postmaster General of the United States for the time being; nor did he faithfully do and perform, as agent for the Post Office Department, all such acts and things as were required of him as such officer by the Postmaster General; nor did he faithfully account with the United States in the manner directed by the Postmaster General for all moneys, bills, bonds, notes, receipts, and other vouchers, which he, as agent as aforesaid, did receive for the use and benefit of the said Post Office Department; but, on the contrary, the said McQueen, as being indebted, after a full and just settlement of his official accounts, in a balance of twenty thousand and sixty dollars and ninety-two cents, as will more fully appear by the duly authenticated and certified statement of his official accounts and vouchers herewith filed for reference. All of which balances and sums of money were received by the said McQueen in his capacity of postmaster, or agent, of the Post Office Department aforesaid, for and in behalf of said Department, or the United States, and which to them belonged, and which the said McQueen had failed and refused to pay over to the said United States, or to their duly constituted agents or officers. All of which moneys were received during such his official capacity, and the time or times in said bonds and conditions thereof contemplated, to wit, from the 19th day of August, 1839, to the 7th day of August, 1840, inclusive; and thereby the said defendants became, and are, justly indebted to the petitioners in the sum of twenty thousand and sixty dollars and ninety-two cents, with interest thereon, at the rate of six per cent. per annum, from the 7th August, 1840, until paid.

By reason whereof your petitioners show, that said John L. Lewis, Lewis Bringier, C. Roselius, Carlisle Pollock, and Mandeville Marigny, have become justly indebted, in solido, to the said United States of America, in the sum of twenty thousand and sixty dollars and ninety-two cents, and interest thereon as aforesaid, and the same to pay, the said McQueen and defendants, each and every one, have neglected and refused, and still neglect and refuse, though thereunto amicably requested.

Wherefore it is prayed by petitioners that said John L. Lewis, Lewis Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, be duly cited, and after due proceedings, condemned, in solido, to pay to the said United States of America the said sum of twenty thousand and sixty dollars and ninety-two cents, with interest as aforesaid, and cost of suit, and for general relief, &c.

BAILIE PEYTON, *U. S. Att'y, east. dist., La.*

Copy of Bond.

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, state of Louisiana, and John L. Lewis, Lewis Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, all of the city of New Orleans, State of Louisiana, are held and firmly bound unto the United States of America, in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this nineteenth day of August, in the year of our Lord one thousand eight hundred and thirty-nine.

The condition of this obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid; now, if the said William McQueen shall well and truly execute the duties of the said office according to law and the instructions of the Postmaster General, and faithfully once in three months, and oftener if thereto required, render accounts of his receipts and expenditures as postmaster to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands, for the postage of whatever is by law chargeable with postage, in the manner prescribed by the Postmaster General of the United States, for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and, moreover, shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he, as agent as aforesaid, shall receive for the use and benefit of the said Post Office Department, then the above obligation shall be void.

JNO. L. LEWIS, [SEAL.]
L'S BRINGIER, [SEAL.]
C. ROSELIUS, [SEAL.]
CARLILE POLLOCK, [SEAL.]
WM. McQUEEN, [SEAL.]
M. MARIGNY. [SEAL.]

Witness: EDW. GOTTSCHALK,
JACOB HART.

I hereby certify that the above named individuals are, to the best of

my knowledge and belief good and sufficient sureties severally, for the amount of the penalty in the foregoing bond.

O. V. JACKSON,
Associate judge of the city court of New Orleans.

*Correct the name of the postmaster if wrongly written.

STATE OF LOUISIANA, *city of New Orleans.*

I do hereby certify, that personally appeared before me, O. V. Jackson, associate judge of the city court of New Orleans, Edward Gotschalk and Jacob Hart, to me well known, and who signed their names as witnesses to the within bond in my presence.

In witness whereof I have hereunto put my name, this 19th day of August, A. D. 1839. O. V. JACKSON,
Associate judge of the city court of New Orleans.

I hereby certify, that the foregoing transcript is a true copy of the bond and certificate on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed the seal of the Auditor of the Treasury for the Post Office Department, this twenty-ninth day of July, in the year one thousand eight hundred and forty.

[SEAL.]

C. K. GARDNER,
Auditor of the Treasury for the Post Office Department.

And afterwards, to wit, on the 10th day of May, A. D. 1842, the following citation, among others, was issued from [the] clerk's office of said court:

Citation.

The President of the United States of America, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

The UNITED STATES
vs. } No. 961.
JOHN L. LEWIS et al.

You are hereby commanded to summon Louis Bringier, citizen of the State of Louisiana, to comply with the demand of the United States, contained in the petition of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the circuit court of the United States, ninth judicial circuit, and eastern district of Louisiana, in the city of New Orleans, in ten days after the service hereof, or judgment will be rendered against him by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof, on the first Monday of June, 1842.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, at the city of New Orleans, in the said eastern district of Louisiana, this tenth day of May, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the said United States of America the sixty-sixth year.

[SEAL.]

DUNCAN N. HENNEN, *Clerk.*

Marshal's return.

Received this 12th day of May, 1842, and on the 19th day of May, 1842, served copies of the within citation, plaintiffs' petition and documents, on the within named Louis Bringier, in the manner following, to wit, by handing the same to him in person in the city of New Orleans.

A. SIDNEY ROBERTSON,
U. S. M.
By WM. K. STYLES, *D'y U. S. M.*

Returned 19th day of May, 1842.

And afterwards, to wit, on the 23d day of May, A. D. 1842, John L. Lewis and Mandeville Marigny, by their attorneys, filed in the clerk's office of said court their joint answer to plaintiffs' petition, which reads in the words and figures following:

Answer.

To the honorable the circuit court of the United States, for the ninth judicial circuit and eastern district of Louisiana.

In the matter of the UNITED STATES vs. JOHN L. LEWIS et al. } No. 961.

The answer of John L. Lewis and Mandeville Marigny, to the petition of the plaintiffs, denies all and singular the allegations therein contained, and prays for a jury to try the issue now joined, and for costs, &c.

JOHN R. GRYMES and
JOHN CLAIBORNE,
Attorneys for defendants, Lewis and Marigny.

And afterwards, to wit, on the 31st day of May, A. D. 1842, Carlile Pollock, by his attorney, George Strawbridge, esq., filed in the clerk's office of said court his answer to plaintiffs' petition, which reads in these words and figures, to wit:

U. S. circuit court, E. D. Louisiana.

THE UNITED STATES vs. JOHN L. LEWIS and others. }

The answer of C. Pollock to the petition filed in the above entitled suit, respectfully represents, that he denies all the matters and things in said petition set forth, and prays for trial by jury.

GEO. STRAWBRIDGE,
For defendants.

And afterwards, to wit, on the 6th day of June, A. D. 1842, C. Roselius, by his attorney, Seth Barton, filed in the clerk's office of said

court, his answer to plaintiffs' petition, which reads in these words and figures, to wit:

United States of America, 9th circuit thereof, holden at New Orleans, in and for the eastern district of Louisiana.

THE UNITED STATES
vs.
CHRISTIAN ROSELIUS and others.

June term, 1842.

And now comes the defendant, C. Roselius, by his attorney, and moves the court to set aside the judgment by default, heretofore taken against him; whereupon he craves oyer of the original bonds, drafts, and documents severally referred to in the petition, which prayer for oyer being disallowed by the court, (which decision is excepted to by the defendant,) he now files his answer.

To the honorable the judges of the said court, the defendant, Christian Roselius, by his attorney, not in any manner waiving his claim of oyer above made, but insisting on his right thereto, for answer to the plaintiffs' original petition says, that he denies all and singular the allegations thereof, and requires strict proof of the same.

He specially denies that the instrument of writing set forth in the petition, or those appended thereto, are true and genuine copies of any original bonds executed by him, or that the other documents appended are true and genuine copies, or that they or any of them are duly certified as such, and by the proper officers and under the appropriate seals.

He specially denies the debits entered against the said McQueen, on the debit side of the account current on file.

Wherefore he prays to be hence dismissed with his costs, &c., and he prays for general relief in the premises, and for trial by jury.

S. BARTON,
Attorney for C. Roselius.

And afterwards, to wit, on the 21st day of June, A. D. 1842, the following order was entered upon the minutes of said court, which reads in these words and figures, to wit:

On motion of Balie Payton, esq., the district attorney, and it appearing to the court that process has been duly served on Louis Bringier, one of the defendants, and no answer filed within the legal delay, ordered that judgment by default be entered up against the said defendant, Louis Bringier.

Final judgment.

THE UNITED STATES
vs.
JOHN L. LEWIS et al.

Whereupon it is considered by the court, that judgment be entered up in favor of the plaintiffs, the United States of America, and against

the defendants, John L. Lewis, Mandeville Marigny, C. Rouillac, and Carlile Pollock, jointly and severally, for the sum of twelve thousand one hundred and three $\frac{88}{100}$ dollars, with interest at 6 per annum from eighth day of June, 1840, till paid, and for the costs of this suit.

Judgment entered April 11th, 1843.

Judgment signed April 24th, 1843.

THEO. H. McCALEB,
U. S. judge.

Note.

The defendants on account of Marigny are entitled to a credit of five hundred and twenty-two $\frac{77}{100}$ dollars, in virtue of an order from the Auditor of the Treasury for P. O. Department, in a letter dated 11th October, 1843, acknowledging the receipt upon that day of $1,045\frac{65}{100}$ *dollars*, the balance of which amount is credited upon the demand in said No. 838.

J. W. SMITH,
For B. PEYTON,
U. S. Attorney.

And afterwards, to wit, on the 10th April, A. D. 1843, this cause came on for trial, and the following order was entered upon the minutes of this court, which reads in these words and figures, to wit:

The United States vs. John L. Lewis et al. } No. 961.

This cause came on for trial this day; Balie Peyton, esquire, the district attorney, appearing for the plaintiffs, and Grymes, Strawbridge, and Barton, and Claiborne, esquires, appearing for the defendants; and thereupon came a jury, to wit, George Ashbridge, Leonard Dobbin, Enos Smith, J. B. Bailey, and G. W. Denton, J. A. Turnell, Horace Bean, H. G. Schmidt, Omer Laual, and A. W. Scates, John A. Merritt, and Louis Urich; who were sworn well and truly to try the issue joined between the parties, and a true verdict give according to the evidence; whereupon, after some considerable progress in the cause, the hour of three having arrived, the cause was continued over until tomorrow, the 11th instant, at $\frac{1}{2}$ past 9 o'clock, a. m., and the jury were discharged until that time.

And afterwards, to wit, on the 11th day of April, A. D. 1843, this case was called up, and the following order was entered upon the minutes, which reads in these words and figures, to wit:

The United States vs. Jno. L. Lewis et al. } No. 961.

The trial of this cause was this day resumed before the court, and the jury heretofore sworn; Balie Peyton, esquire, the district attorney, ap-

pearing for the plaintiffs, and Grymes, G. Strawbridge, and Barton, esquires, for the defendants. Whereupon, on motion of district attorney, and before the court charged the jury, it is ordered that plaintiffs have leave to discontinue the claim in this suit against said defendants, so far as the same is founded or based upon the bond, dated on the 8th June, 1840, and the district attorney does so, without prejudice to the rights of the United States in any action which the said United States may hereafter institute, or may have heretofore instituted, on said bond against said defendants or others, which is accordingly done. And the jury having heard the evidence and arguments of counsel, retired to their rooms under the charge of the court to consider of their verdict, and after an absence of some time returned with the following, which is in the words and figures following, to wit, verdict for plaintiffs in the sum of twelve thousand one hundred and three dollars and thirty-eight cents, with six per cent. interest.

Signed G. W. DENTON, *Foreman.*

New Orleans, April, 11th, 1843.

Whereupon it is considered by the court, that judgment be entered up in favor of the plaintiffs, the United States of America, and against the defendants, Jno. L. Lewis, Mandeville Marigny, C. Roselius, and Carlile Pollock, jointly and severally, for the sum of twelve thousand one hundred and three dollars and thirty-eight cents, with interest at six per cent. per annum from and for the costs of this suit; and then the jury was discharged until to-morrow, the twelfth instant, at ten o'clock, a. m.

Treasury transcript.

Note introduced in evidence by the plaintiffs, on the trial of the suit of the United States vs. John L. Lewis, et al.; securities of Wm. McQueen, No. 961, and also introduced by the said plaintiffs on the trial of this suit of the United States vs. Wilkinson, Grymes, et al., No. 1727.

ED. RANDOLPH, *Cl'k.*
Per M. GURLEY, *D'y Cl'k.*

Draft No. 1370. *Post Office Department.*

To W. McQUEEN, *P. M. at New Orleans.*

At sight pay to W. Black, or order, two hundred four dollars $\frac{99}{100}$, and charge to account of this department.

JOHN M. NILES,
Postmaster General.

Charged, 26 June, 1840.

C. K. GARDNER,
Auditor P. O. Department.

No. 1370.—$204 $\frac{99}{100}$.

Endorsed W. Black, pay John Nicholson, cashier, or order.

L. A. BENOIST & CO.

I certify that the above and within transcript, pertaining to the said count of William McQueen, late postmaster at New Orleans, is a true and correct copy from the protest now on file in my office of draft No. 1370, drawn by John M. Niles, Postmaster General, on said McQueen, in favor of W. Black, or order, for $204 90.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this (20) twentieth day of April, in the year one thousand eight hundred and forty-two.

[SEAL.] ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Protest.

UNITED STATES OF AMERICA,
State of Louisiana.

By this public instrument of protest, be it known that, on this twenty-fourth day of September, in the year one thousand eight hundred and forty, at the request of the New Orleans and Carrollton Railroad Company, holders of the original draft whereof a true copy is on the reverse hereof written, I, Lucien Hermann, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented said draft, and demanded payment thereof to Mr. G. Montamat, the newly appointed postmaster in this city, (Mr. McQueen, the ex-postmaster, on whom it is drawn, being out of the city,) and was answered by him, that having not yet entered upon the duties of his office, the payment thereof must be demanded of Mr. Denis Prieur, collector of customs for this port and district. Whereupon I did present the said draft to the said Prieur, and did demand payment thereof of him; but was answered that the same could not be paid, no instructions having been sent to him by the Department at Washington in relation to the same.

Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interest, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of Francis Metiyi and Henry Berthe, witnesses.

In testimony whereof I grant these presents, under my signature and the impress of my seal of office, at the city of New Orleans, on the day and year first above written.

[SEAL.]

LN. HERMANN, *Not. Pub.*

The original is signed Henry Berthe, F. Meteye.
A true copy:

L. HERMANN, *Not. Pub.*

Draft No. 1343. *Post Office Department.*

To W. McQueen, *P. M. at New Orleans.*

At sight pay to M. H. Blae, or order, thirty-three dollars $\frac{68}{100}$, and charge to account of this department.

JOHN M. NILES,
Postmaster General.

Charged, 25th June, 1840.

CH. GARDNER,
Auditor P. O. Department.

$33 68.—No. 1343.—Endorsed:
M. H. Blue,
Wm. Henrys.

I certify, that the above and within transcript, pertaining to the account of Wm. McQueen, late postmaster at New Orleans, Louisiana, is a true and correct copy from the original protest now on file in my office, of draft No. 1343, drawn by John M. Niles, Postmaster General, on said McQueen, in favor of M. H. Blue or order, for $33 68.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the P. O. Dep'nt.

Protest.

United States of America, *State of Louisiana.*

By this public instrument of protest, be it known that, on this eighteenth day of August, in the year one thousand eight hundred and forty, at the request of William Henry, of Venango county, Pennsylvania, holder of the original draft, whereof a true copy is on the reverse hereof written, I, Carlisle Pollock, notary public, dwelling in the city of New Orleans, duly commissioned, presented said draft to Charles F. James, assistant postmaster at the post office in this city, and demanded payment thereof; he answered that William McQueen, on whom the same is drawn, was no longer postmaster, and that the same could not be paid. Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all damages, cost, charges, and interest, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of Achille Chiapella and Herman Lucas, witnesses.

In testimony whereof I grant these presents, under my signature and the impress of my seal of office, at the city of New Orleans, on the day and year first above written.

[seal.]

CARLILE POLLOCK.

A. Chiapella.
H. Lucas.

Copy of note.—No. 1344.

Draft No. 1344. *Post Office Department.*

To WM. MCQUEEN, *postmaster at N. O.*

At sight pay to T. Holderly, or order, seventy-five $\frac{00}{100}$, and charge to account of this department.

JOHN M. NILES,
Postmaster General.

Charged, 25th June, 1840.

C. K. GARDNER,
Auditor P. O. Dep'nt.

$75\frac{00}{100}$.—Endorsed: THOMAS HOLDERLY.

I certify, that the above and within transcript, pertaining to the account of Wm. McQueen, late postmaster at New Orleans, Louisiana, is a true and correct copy from the original protest, now on file in my office, of draft No. 1344, drawn on said McQueen by John M. Niles, Postmaster General, in favor of T. Holderly, or order, for $75.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this twentieth day of April, in the year one thousand eight hundred and forty-two. [SEAL.]

ELISHA WHITTLESEY,
Auditor of the Treasury for the P. O. Dep'nt.

Protest.

UNITED STATES OF AMERICA, *State of Louisiana.*

By this public instrument of protest, be it known that, on this twenty-second day of October, in the year one thousand eight hundred and forty, at the request of Mr. A. Montayne, holder of the original draft, whereof a true copy is on the reverse hereof written, I, William Christy, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented *presented* the said draft to Mr. G. Montamat, postmaster in this city, and demanded payment thereof, and was answered that he would not pay the same, as it was drawn on his predecessor, and he had nothing to do with it. Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do solemnly and publicly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interests, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of W. G. Latham and George Rareshide, witnesses.

In testimony whereof I grant these presents, under my signature and the impress of my seal of office, at the city of New Orleans, on the day and year first above written. [SEAL.]

WM. CHRISTY, *Not. Pub.*

Draft No. 305. *Post Office Department.*

To Wm. McQueen, *P. M. at New Orleans.*

At sight, pay to Black & Ingle, or order, twenty-one hundred ninety-eight dollars $\frac{5}{100}$, and charge to account of this Department.

JOHN M. NILES,
Postmaster General.

Charged, 2d June, 1840. C. K. GARDNER,
Auditor P. O. Department.

No. 305.—$2,198 $\frac{5}{100}$.

Endorsed—Pay to P. E. Blow & Co., or order—Black & Ingle. Pay to Whitridge & Co., or order—P. E. Blow & Co.

I certify that the above and within transcript, pertaining to the accounts of Wm. McQueen, late P. M. at New Orleans, La., is a true and correct copy from the original protest, now on file in my office, of draft No. 305, drawn by John M. Niles, Postmaster General, on said McQueen, in favor of Black & Ingle, or order, for $2,198 05.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Protest.

United States of America, *State of Louisiana.*

By this public instrument of protest, be it known that, on this seventeenth day of July, in the year one thousand eight hundred and forty, at the request of Messrs. Whitridge & Co., holders of the original draft, whereof a true copy is on the reverse hereof written, I, William Christy, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented the said draft to Mr. Wm. McQueen, postmaster of this city, on whom the same is drawn, and demanded payment thereof, and was answered, that he could not pay the same at present for the want of funds.

Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interests, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of W. G. Latham and George Rareshide, witnesses.

In testimony whereof I grant these presents, under my signature and the impress of my seal of office, at the city of New Orleans, [SEAL.] on the day and year first above written.

WM. CHRISTY, *Notary Public.*

Draft No. 307. *Post Office Department.*

To W. McQueen, *P. M. at New Orleans.*

At sight, pay to E. S. Inge, or order, three hundred and forty-six dollars $\frac{1}{100}$, and charge to account of this Department.

JOHN M. NILES,
Postmaster General.

Charged, 2d June, 1840.

C. K. GARDNER,
Auditor P. O. Department.

$346 $\frac{01}{100}$.

Endorsed—Pay to T. E. Blow & Co., or order—E. S. Inge. Pay to Whitridge & Co., or order—P. E. Blow & Co.

I certify that the above and within transcript, pertaining to the accounts of Wm. McQueen, late P. M. at New Orleans, La., is a true and correct copy from the original protest now on file in my office, of draft No. 307, drawn by John M. Niles, Postmaster General, on said McQueen, in favor of E. S. Inge, or order, for $346 $\frac{01}{100}$.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this
[SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Protest.

UNITED STATES OF AMERICA, *State of Louisiana.*

By this public instrument of protest, be it known, that on this seventeenth day of July, in the year one thousand eight hundred and forty, at the request of Messrs. Whitridge & Co., holders of the original draft, whereof a true copy is on the reverse hereof written, I, William Christy, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented the said draft to Mr. Wm. McQueen, postmaster of this city, on whom the same is drawn, and demanded payment thereof, and was answered that he could not pay the same at present for want of funds. Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interests, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of W. G. Latham and George Rareshide, witnesses.

In testimony whereof I grant these presents under my signature and the impress of my seal of office, at the city of New Orleans,
[SEAL.] on the day and year first above written.

WM. CHRISTY, *Notary Public.*

Draft.—689.

Draft No. 689. *Post Office Department.*

To WM. McQUEEN, *P. M. at New Orleans, La.*

At sight, pay to C. Traweck, or order, one thousand and twelve $\frac{11}{100}$ dollars, and charge to account of this Department.

JOHN M. NILES,
Postmaster General.

Charged May 27, 1840. C. K GARDNER,
Auditor P. O. Department.

Endorsed—Pay to L. H. Bridges, C. Traweck.—L. H. Bridges.

$1,012 $\frac{11}{100}$.

I certify that the above and within transcript, pertaining to the account of Wm. McQueen, late postmaster at New Orleans, La., is a true and correct copy from the original protest now on file in my office, of draft No. 689, drawn by John M. Niles, Postmaster General, on said McQueen, in favor of C. Traweck, or order, for $1,012 $\frac{11}{100}$.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this twentieth day of April, one thousand eight hundred and forty-two.

[SEAL.]

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Protest.

UNITED STATES OF AMERICA, *State of Louisiana.*

By this public instrument of protest, be it known, that on this seventeenth day of July, in the year one thousand eight hundred and forty, at the request of Mr. L. H. Bridges, of the original draft, whereof a true copy is on the reverse hereof written, I, Lucien Hermann, a notary public in and for the parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented said draft to *to* McQueen, esq., postmaster in this city, on whom it is drawn, and having demanded payment of its contents, was answered by him that the same could not be paid now, but will be paid so soon as he shall be in funds.

Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interests, suffered or to be suffered for want of payment of the said draft.

Thus done and protested in the presence of Francis Metiye and Henry Berthe, witnesses.

In testimony whereof I grant these presents, under my signature and the impress of my seal of office, at the city of New Orleans, on the day and year first above written.

[SEAL.]

LUCIEN HERMANN, *Not. Pub.*

F. METRIYE,
HENRY BERTHE.

Draft.

Draft No. 9018. *Post Office Department.*

To W. McQueen,
Postmaster at New Orleans.

At sight pay to W. Pearce, or order, one hundred and fifty-one dollars $\frac{75}{100}$, and charge to account of this Department.

AMOS KENDALL,
Postmaster General.

Charged 24th March, 1840.

C. K. GARDNER,
Auditor P. O. Department.

Endorsed—William Pearce.

No. 9018.

I certify, that the above and within transcript, pertaining to the accounts of William McQueen, late postmaster at New Orleans, Louisiana, is a true and correct copy from the original protests now on file in my office, of drafts No. 9018, drawn by Amos Kendall, P. M. General, on said McQueen, in favor of W. Pearce or order, for $151 75.

In testimony whereof I have hereunto subscribed my name, and affixed my seal of office, at Washington, on this twentieth [seal.] day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Protest.

United States of America, *State of Louisiana.*

By this public instrument of protest, be it known that, on this seventeenth day of July, in the year one thousand eight hundred and forty, at the request of Mr. L. H. Bridges, holder of the original draft, whereof a true copy is on the reverse hereof written, I, Lucien Hermann, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, duly commissioned and sworn, presented said draft to Mr. McQueen, esq., postmaster in this city, on whom it is drawn, and having demanded payment of its contents, was answered by him that the same could not be paid now, but will be paid so soon as he shall be in funds.

Whereupon I, the said notary, at the request aforesaid, did protest, and by these presents do publicly and solemnly protest, as well against the drawer or maker of the said draft, as against all others whom it doth or may concern, for all exchange, re-exchange, damages, costs, charges, and interests, suffered or to be suffered for want of payment of the said draft.

Done and protested in the presence of Francis Meteye and Henry Berthe, witnesses.

In testimony whereof I grant these presents, under my signature and impress of my seal of office, at the city of New Orleans, on the day and year first above written.

[SEAL.]

LUCIEN HERMANN, *Not. Pub.*

L. METEYE,
HENRY BERTHE.

Office, New Orleans county, State of Louisiana, P. M. McQueen, 1st July to 7th August, 1840.

Letters remaining last quarter.	
Unpaid letters received, overstated	$1 03
Paid letters sent, overstated	98
Upper footing, &c,	
Letters overcharged, &c., overstated	100 41
Dead letters.	
Balance carried down.	
Letter com. undercharged	26 38
Newspapers, short stated	195 00
Free letters.	
Lower footing, &c.	
Contingent expenses—Transportation	25 00
Balance registered	$6,768 24
Surplus of commission	901 07

Voucher referred.

I certify, that the above transcript is a true and correct copy of the notice, as the same is of record in my office, that was sent to William McQueen, late postmaster at New Orleans, Louisiana, of the errors detected and corrected in his account current, as postmaster from 1st July to 7th August, 1840, in its examination and adjustment in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this twentieth day of April, in the year one thousand eight hundred and forty-two.

[SEAL.]

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Office New Orleans, county Orleans, State Louisiana—Postmaster Wm. McQueen.

Letters remaining last quarter	
Unpaid letters received	
Paid letters sent—short stated	$1 50
Upper footing, &c.	
Letters overcharged and short stated	2 50

Dead letters—short stated - - - -	$90 03
Balance carried down	
Letter com.	
Newspaper com. overcharged - - - -	20 00
Free letters	
Lower footing, &c.	
Contingent expenses—overcharged - - -	60 00
Transportation voucher referred	
Balance registered - - - -	$19,310 46

I hereby certify, that the above transcript is a true and correct copy of the notice, as the same is of record in my office, that was sent to Wm. McQueen, late postmaster at New Orleans, La., of the errors detected and corrected in his account current as postmaster for the quarter ending 30th June, 1840, in its examinations and adjustment in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two. ELISHA WHITTLESEY,

Auditor of the Treasury for the Post Office Department.

Office New Orleans, county Orleans, State Louisiana—Postmaster, Wm. McQueen.

Letters remaining last quarter	
Unpaid letters received—short stated - - -	$56 68
Paid letters sent	
Letters overcharged, &c.—short stated - - -	69
Dead letters	
Balance carried down	
Letters com. overcharged - - - -	28 40
Letters com., on distribution (voucher) - - -	27
Ship letters, newspapers, overcharged - - -	60 78
Contingent expense—overcharged - - -	11
Upper footing of account current	
Lower footing of account current, charged on lower footing instead of balance carried down	
Balance registered - - - -	$22,688 69

I certify that the above transcript is a true and correct copy of the notice, as the same is of record in my office, that was sent to Wm. McQueen, late postmaster at New Orleans, La., of the errors detected and corrected in his account current as postmaster for the quarter ending 31st March, 1840, on its examination and adjustment in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this [L. S.] 20th day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,

Auditor of the Treasury for the Post Office Department.

Office New Orleans, county Orleans, State of Louisiana—Postmaster, Wm. McQueen.

Letters remaining last quarter		
Unpaid letters received		
Paid letters sent		
Letters overcharged, &c.		
Dead letters overstated - - - -		$4 13
"Balance carried down"		
Letter com. on distribution overcharged - -		28
Newspapers		
Free letters		
Contingent expenses improperly charged - -		8 50
Upper footing of account current		
Lower footing of account current		
Balance registered - - - -		$17,890 27

I certify, that the above transcript is a true and correct copy of the notice, as the same is of record in my office, that was sent to William McQueen, late postmaster at New Orleans, La., of the errors detected and corrected in his account current as postmaster for the quarter ending 31st December, 1839, in its examination, &c., and adjustment in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on the [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Office New Orleans, county Orleans, State Louisiana—Postmaster, Wm. McQueen. 19th August—30th September, '39.

Letters remaining last quarter		
Unpaid letters received		
Paid letters sent (sent out July 2d)		
Letters overcharged, &c.		
Dead letters overstated - - - - -		$0 36
Balance carried down		
Letters com. on distribution overcharged - -		32
Newspaper		
Free letter		
Contingent expenses		
Upper portion of account current		
Lower footing of account current		
Balance registered - - - -		$7,689 47

I certify, that the above transcript is a true and correct copy of the notice, as the same is of record in my office, that was sent to Wm.

McQueen, late postmaster at New Orleans, La., of the errors detected and corrected in his account current as postmaster for a portion of the third quarter, 1839, ending September 30th, on its examination and adjustment in this office.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on the [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two. ELISHA WHITTLESEY,

Auditor of the Treasury for the Post Office Department.

DR. *New Orleans, La.—1st July to 7th August*, 1840. CR.

No. 11.	$6,834 24	Compensation to postmaster	$204 30
" 12.	245 00	Expenses. (No account)	
		Contingent account, (public)	
		Ship, &c., letters	106 70
		Bal. due the United States	6,768 24
	$7,079 24		$7,079 24

Surplus of commissions $901 07.

DR. *The Post Office at New Orleans, county of Orleans, State of Louisiana, in account current with the General Post Office, from 1st July to 7th Aug.*, 1840.

1. To postage of letters which remained in the office last quarter	$1,471 26		$1,471 26
2. To postage of unpaid letters received from other offices this quarter	6,080 53½		6,081 56½
3. To postage of way letters received at this office, ditto	93½	Less	1 03 93½
4. To postage of letters undercharged from other offices, ditto	17 15½		17 15½
5. To postage of 4,213 ship and steamboat letters, originally received at this office for this delivery	359 72½		359 72½
6. To postage of paid letters sent from this office this quarter			
To postage of letters received for this delivery in distribution bills	1,162 44½		1,163 42½
		Less	98
	$9,085 05½		$9,087 07
			2 01½
7. By postage of letters overcharged and missent this quarter	49 68½		150 16
		Less	100 41½
8. By postage of dead letters sent to the Post Office Department, ditto			
9. By postage of letters now remaining in this office	2,901 12½		2,901 12½
10. Balance carried down	6,834 24½		6,735 78½
		More	98 46
	$9,085 05½		$9,087 07

Account current.—Continued.

Dr.			
11. Balance as above, being the amount of postage collected on letters this quarter.....	$6,834 24	.....	$6,735 78¾
12. To amount of postage on newspapers and pamphlets this quarter.....	245 00	More..... 75 00	98 46
13. Deduct postage on dead newspapers and pamphlets.....	.....	30 00	
Short estimate of newspaper postage, $200			45 00
	$7,079 24		$6,780 78¾
		More.....	298 46
2462 85 per cent. By commission on 2460 D. 95 c. letter postage distributed at 5 per cent.....	123 04	.....	123 14
More..	10		
14. By ditto on 100 D. c. ditto collected at 30 per cent.....	30 00	.....	30 00
By ditto on 300 D. c. ditto, at 25 per cent.	75 00	.....	75 00
By ditto on 2000 D. c. ditto, at 20 per cent.	400 00	.....	400 00
By ditto on 4380 D. c. ditto, at 8 per cent.	320 48		
More..	34 35	.....	354 73
15. By ditto on 50 D. c. newspapers postage at 50 per cent.....	25 00		
More..	97 50		122 50
		937 52	1,105 85
16. By free letters delivered out of this office this quarter, at 2 cents each.....		m're 131 85	
17. By 5,285 ship letters paid for this quarter, as by receipts herewith, at 2 cents each..	.....	105 70	105 70
18. By cash paid the mail carrier for 100 way letters, at 1 cent each.....	.....	1 00	1 00
19. By contingent expenses, as by receipts herewith.....	.....	25 00	
	.....	5,675 56¾	
20. Balance due to the post office department..	More.....	191 61	5,867 17*
		$6,780 78¾	$7,079 24
	More.....	289 46	

*To this sum there should be added $901 07 surplus commission, making the balance as registered $6,768 24, as appears by the statement hereunto annexed.

WM. McQUEEN, *Postmaster, P. M.*

I certify, that the within * transcript, pertaining to the account of William McQueen, late postmaster at New Orleans, La., is a true and correct copy of the original account current, now on file in my office, of the said William McQueen as P. M., for a portion of the third quarter, 1840, ending 7th August, including, in red ink, the corrections that were made in this office on the examination and adjustment thereof.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [L. S.] twentieth day of April, in the year one thousand eight hundred and forty-two. ELISHA WHITTLESEY,

Auditor of the Treasury for the Post Office Department.

DR. New Orleans, La.—1st April to 31st June, 1840. CR.

No. 11.	$22,795 78	Compensation to postmaster	$125 52
" 12.	310 00	Expenses	2,677 64
		Contingent account, (public)	511 06
		Ship, &c., letters	481 10
		Balance due the United States	19,310 46
	$23,105 78		$23,105 78

DR. *The Post Office at New Orleans, county of Orleans, State of Louisiana, in account current with the General Post Office, from 1st April to 1st July*, 1840.

1. To postage of letters which remained in the office last quarter	$2,738 62		$2,738 62
2. To postage of unpaid letters received from other offices this quarter	20,220 94		20,220 94
3. To postage of way letters received at this office	46 56¼		46 56¼
4. To postage of letters undercharged from other offices, ditto	51 10¾		51 10¾
5. To postage of 18,577 ship and steamboat letters, originally received at this office for this delivery	1,633 27½		1,633 27½
6. To postage of paid letters sent from this office this quarter	3,242 86¾		3,241 36¾
To postage of letters received for this delivery in distribution bills	1 12	More	1 50
			1 22
	$27,934 49		$27,932 99¼
		More	1 50
7. By postage of letters overcharged and missent this quarter	$570 71		$568 21
8. By postage of dead letters sent to the Post Office Department, ditto	3,096 74¼	More	2 50
			3,000 72¼
9. By postage of dead letters now remaining in this office	1,471 26	More	96 02
			1,471 26
10. Balance carried down	22,795 78		22,892 80
		Less	97 02
	$27,934 49		$27,932 99¼
		More	1 50
DR.			
11. To balance as above, being the amount of postage collected on letters this quarter	$22,795 79		$22,892 80
12. To amount of postage on newspapers and pamphlets this quarter		Less	97 02
		$400 00	
13. Deduct postage on dead newspapers and pamphlets		310 00	
		90 00	310 00
	$23,105 78		$23,202 80
		Less	97 12

Account current—Con[illegible]

By commission on 6,230 D. 07 c. letter postage, distributed at 5 per cent.....	$311 56	.....	$311 50
Less..	6		
14. By ditto on 100 D. 00 c. ditto, collected at 30 per cent.....	30 00	.....	30 00
By ditto on 300 D. 00 c. ditto, at 25 per cent.	75 00	.....	75 00
By ditto on 2,000 D. 00 c. ditto, at 20 per cent.....	400 00	.....	400 00
By ditto on 20,395 D. 00 c. ditto, at 8 per cent.....	1,664 22	.....	1,631 66
Less..	32 50		
15. By ditto on 310 D. 00 c. newspaper postage, at 50 per cent.....	175 00	.....	155 00
Less..	20 00	.....	200 00
Extra salary.....	200 00		
		$2,855 78	2,803 16
16. By free letters delivered out of this office this quarter, at two cents each.....	Less.....	52 62	
17. By 23,993 ship letters paid for this quarter, 2 more. as by receipts herewith, at two cents each	.....	479 86	479 90
18. By cash paid the mail carrier for 120 letters, at one cent each.....	More.....	4	
	.....	1 20	1 20
19. By contingent expenses, as by receipts herewith.....	.....	571 06	511 06
	Less.....	60 00	
20. Balance due to the Post Office Department.	.....	19,294 90	19,310 46
	More.....	15 56	
		$23,202 80	23,105 78

WM. McQUEEN, *Postmaster—P. M.*

I certify, that the within transcript, pertaining to the account of William McQueen, late postmaster at New Orleans, La., is a true and correct copy of the original account current, now on file in my office, of the said William McQueen, as postmaster, for the quarter ending 30th June, 1840, including, in red ink, the corrections that were made in this office on the examination and adjustment thereof.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [L. S.] 20th day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the use of the Post Office Dept.

DR. *New Orleans, La.*—1 *January to* 31*st March*, 1840. CR.

No. 11	$26,437 50	Compensation to postmaster.....	$23 44
" 12	355 00	Expenses.....	3,124 75
		Contingent account (public).....	477 04
		Ship, &c., letters.....	478 58
		Balance due the U. States.....	22,688 69
	$26,792 50		$26,792 50

DR. *The Post Office at New Orleans, county of Orleans, and State of Louisiana, in account current with the General Post Office, from 1st January to 1st April, 1840.*

1. To postage of letters which remained in the office last quarter	$1,875 20		$1,875 20
2, To postage of unpaid letters received from other offices this quarter	24,218 93		24,162 93
3. To postage of way letters received at this office, ditto	28 87	*More	56 00 27 19
4. To postage of letters undercharged from other offices, ditto	69 85	More	1 68 70 85
5. To postage of ship letters, at 6 c., originally received at this office for this delivery	1,349 95	More	1 00 1,349 95
6. To postage of paid letters sent from this office this quarter	3,764 37		3,764 37
To postage of letters received for this delivery in distribution bills	5 27		5 27
	$31,312 44		$31,255 76
		More	56 68
7. By postage of letters overcharged and missent this quarter	$580 55		$579 86
8. By postage of dead letters sent to the Post Office Department, ditto	1,555 77	More	69 1,555 77
9. By postage of letters now remaining in this office	2,738 62		2,738 62
10. Balance carried down	26,437 50		26,381 51
		More	55 99
	$31,312 44		$31,255 76
		More	56 68
Cr.			
11. To balance as above, being the amount of postage collected on letters this quarter	$26,437 50		26,381 51
12. To amount of postage on newspapers and pamphlets this quarter		More $470 00	55 99
13. Deduct postage on dead newspapers and pamphlets	355 00	115 00	355 00
	$26,792 50		$26,736 51
		More	55 99
Cr.			
By commission on 6,859 D. 21 c. letter postage, distributed at 5 per cent 5 27 less.	$342 96		342 69
Less	27		
14. By ditto on 100 D. 00 c. ditto, collected at 30 per cent	30 00		30 00
By ditto on 300 D. 00 c. ditto, collected at 25 per cent	75 00		75 00
By ditto on 2,000 D. 00 c. ditto, collected at 20 per cent	400 00		400 00

*Error occurred in recapitulation.

Account current—Co

By ditto on 24,336 D. 51 c. ditto, collected at 8 per cent	$1,946 92		$1,923 00
Less..	23 92		
15. By ditto on 355 D. 00 c. newspaper postage, at 50 per cent	177 50		177 50
Extra salary	200 00		200 00
		3,172 38	
Less..		24 19	
16. By ——— free letters delivered out of this office, at two cents each			3,148 19
17. By 26,898 ship letters paid for this quarter, 3,059 less.			477 18
as by receipts herewith, at two cents each		537 96	
Less..		60 78	
18. By cash paid the mail carrier for 140 way letters, at one cent. each		1 40	1 40
19. By contingent expenses, as by receipts herewith		477 15	477 04
Less..		11	
20. Balance due to the Post Office Department		22,547 62	22,688 69
More		141 07	
		$26,736 51	$26,792 50
More		55 99	

WM. McQUEEN, *Postmaster.*

I certify, that the within transcript, pertaining to the account of William McQueen, late postmaster at New Orleans, La., is a true and correct copy of the original account current, now on file in my office, of the said Wm. McQueen, as postmaster, for the quarter ending 31st March, 1840, including in red ink the corrections that were made in this office on the examination and adjustment thereof.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

DR. *New Orleans, La.*—1*st October to* 31*st December*, 1839. CR.

No. 11.	$21,127 89	Compensation to postmaster	$2 45
" 13.	328 00	Expenses	2,659 97
		Contingent account, (public)	432 31
		Ship letters	477 89
		Bal. due the U. States	17,890 27
	$21,455 89		21,455 89

DR. *The Post Office at New Orleans, county of Orleans and State of Louisiana, in account current with the General Post Office, from 1st October to 31st December*, 1839.

1. To postage of letters which remained in the office last quarter			$1,637 84
2. To postage of unpaid letters received from other offices this quarter			18,016 93
3. To postage of way letters received at this office ditto			18 64
4. To postage of letters undercharged from other offices ditto			53 65
5. To postage of 19,194 ship and steamboat letters originally received at this office for this delivery			1,421 83
6. To postage of paid letters sent from this office this quarter			3,304 42
To postage of letters received for this delivery in distribution bills			5 58
			24,458 89
CR.			
7. By postage of letters overcharged and mis-sent this quarter		$326 47	$326 47
8. By postage of dead letters sent to the Post Office Department ditto		1,133 46	1,129 33
	Less	4 13	
9. By postage of letters now remaining in this office		1,875 20	1,875 20
10. Balance carried down		21,123 76	21,127 89
	More	4 13	
		$24,458 89	$24,458 89
DR.			
11. To balance as above, being the amount of postage collected on letters this quarter	$21,127 89		$21,123 76
		More	4 13
12. To amount of postage on newspapers and pamphlets this quarter	328 00	$420 00	
13. Deduct postage on dead newspapers and pamphlets		92 00	
			328 00
	$21,455 89		$21,451 76
		More	4 13
5,763 87			
By commission on 5,769 D. 45 c. letter postage distributed at 5 per cent 5 58 less	$288 47		$288 19
	Less 28		
14. By ditto on 100 D. 00 c. ditto, collected at 30 per cent	30 00		30 00
By ditto on 300 D. 00 c. ditto, at 25 per cent.	75 00		75 00
By ditto on 2000 D. 00 c. ditto, at 20 per cent.	400 00		400 00
18,717 89			
By ditto on 18,723 D. 76 c. ditto, at 8 per ct. 4 13 more. More	1,497 90 33		1,498 23
15. By ditto on 328 D. 00 c. newspaper postage, at 50 per cent	164 00		164 00
Extra salary	200 00		200 00
		$2,655 37	
	More	5	$2,655 42

Account current—Co[illegible]

16. By free letters delivered out of this office this quarter, at two cents each....			
17. By 23,845 ship letters paid for this quarter, as by receipts herewith, at two cents each		$476 90	$476 90
18. By cash paid the mail carrier for 99 way letters, at one cent each		99	99
19. By contingent expenses, as by receipts herewith		440 81	532 31
	Less	8 50	
20. Balance due to the Post Office Department.		17,877 69	17,890 27
	More	12 58	
		$21,451 76	$21,455 89
	More	4 13	

WM. McQUEEN, *Postmaster.*

I certify, that the within transcript, pertaining to the account of William McQueen, late postmaster at New Orleans, Louisiana, is a true and correct copy of the original account current, now on file in my office of the said William McQueen, as postmaster, for the quarter ending 31st December, 1839, including in red ink the corrections that were made in this office on the examination and adjustment thereof.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

DR. *New Orleans, Louisiana, 19th Aug. to 30th Sept.*, 1839. CR.

No. 11	$9,242 11	Compensation to postmaster...	$90 44
No. 12	67 50	Expenses	1,240 46
		Contingent account, (public....	112 72
		Ship, &c., letters	176 52
		Balance due the United States..	7,689 47
	$9,309 61		$9,309 61

DR. *The Post Office at New Orleans, county of Orleans, and State of Louisiana, in account current with the General Post Office, from 19th August to 30th September*, 1839.

1. To postage of letters which remained in the post office last quarter, received from William H. Ker			$2,999 77
2. To postage of unpaid letters received from other offices, from 19th August			7,791 98

Account current—Continued.

3. To postage of way letters, received at this office			$33 88
4. To postage of letters undercharged, from other offices			21 14
5. To postage of 8117 ship and steamboat letters, originally received at this office, for this delivery			648 16
6. To postage of paid letters sent, from this office, from 19th August			1,420 47
To postage of letters received for this delivery in distribution bills			6 54
			12,921 94
Cr.			
7. By postage of letters overcharged and missent, from 19th August		$183 11	183 11
8. By postage of dead letters sent to the Post Office Department, from 19th August		1,859 24	1,858 88
	Less	36	
9. By postage of letters now remaining in this office		1,637 84	1,637 84
10. By balance carried down		9,241 75	9,242 11
	More	36	
		$12,921 94	$12,921 94
Dr.			
11. To balance as above, being the amount of postage collected on letters, from 19th Aug.	$9,242 11		$9,241 75
		More	36
12. To amount of postage on newspapers and pamphlets, this quarter	67 50	$105 00	
13. Deduct postage on dead newspapers and pamphlets		37 50	67 50
	$9,309 61		9,309 25
		More	36
Cr.			
By commission on 3035 D, 54 C. Letter 6 54 less. 3029 postage distributed at 5 per cent	$151 77		$151 45
14. By ditto on 100 D 00 c. ditto, collected at 30 per cent	30 00		30 00
By ditto on 300 D 00 c. ditto, at 25 p. ct.	75 00		75 00
By ditto on 2000 D 00 c. ditto, at 20 p. ct.	400 00		400 00
By ditto on 6841 D 75 c. ditto, at 8 p. ct. 6842 36 more.	547 36		547 36
15. By ditto on 67 D 50 c. newspaper postage, at 50 per cent	33 75		33 75
Extra salary from 19th August	93 34		93 34
16. By free letters delivered out of this office this quarter, at two cents each		$1,331 20	
	Less	30	
			1,330 90

Account current—Continued.

17. By 8736 ship letters paid for this quarter, as by receipts herewith, at two cents each	.....	$174 72	$174 72
18. By cash paid the mail carrier for 180 way letters, at one cent each	.....	1 80	1 80
19. By contingent expenses, as by receipts herewith	.....	112 72	112 72
20. Balance due to the Post Office Department	.....	7,688 81	7,689 47
	More.....	66	
		$9,309 25	$9,309 61
	More.....	36	

WILLIAM McQUEEN, *Postmaster*.

I certify, that the within transcript, pertaining to the account of William McQueen, late postmaster at New Orleans, La., is a true and correct copy of the original account current, now on file in my office, of the said Wm. McQueen, as P. M., from 19th August to 30th September, 1839, including in red ink the corrections that were made in this office, on the examination and adjustment thereof.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Copy of draft and certificate.

Post Office Department.

Draft No. 4521.

To J. J. CODDINGTON, *P. M. at New York.*

At sight pay to W. McQueen, P. M. at New Orleans, or order, two thousand dollars $\frac{11}{100}$, and charge to account of this Department.

AMOS KENDALL,
Postmaster General.

[A.] Charged 7th Sept., 1839.

C. K. GARDNER,
Auditor P. O. Department.

$2,000 $\frac{11}{100}$.

[ENDORSED.] Transfer, Citizens' Bank of Louisiana, No. four hundred and seventy-nine, 479. Charged.

I certify that the transcript hereto and above annexed, is a true and correct copy of original draft numbered 4521, now on file in my office, drawn by the Post Office Department on J. J. Coddington, P. M. at

New York, in favor of Wm. McQueen, P. M. at New Orleans, or order, for two thousand dollars, dated 7th September, 1839, together with the endorsements thereon, and that the same pertains to the account of the said Wm. McQueen, as late P. M. at New Orleans, Louisiana.

In testimony whereof I have hereunto subscribed my name, and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

[B.]

DR. *Wm. McQueen, late p. m., New Orleans, La., in account with the U. S.* CR.

1839.			1839.		No.	
Sep. 7th,	To transfer draft of this date, No. 4,521	$2,000 00	May 31,	By draft drawn this day	2046	$137 16
	To balance due the U. S. on his quarterly return as p. m., as examined and audited in this office, viz:		June 27,	" "	2753	798 93
			July 5,	" "	2838	398 00
			Aug. 17,	" "	3751	900 00
			" 19,	" "	3813	696 00
			" "	" "	3815	1,040 44
			" 22,	" "	4040	102 55
	From Aug. 19 to Sep. 30, 1849	7,689 47	" 31,	" "	4327	122 31
			" "	" "	4328	173 71
	From Oct. 1 to Dec. 31, 1839	17,890 27	" "	" "	4330	125 36
			" "	" "	4331	36 57
	From Jan. 1 to Mar. 31, 1840	22,688 69	Sept. 2,	" "	4378	181 66
			" 25,	" "	4755	113 66
	From April 1 to June 30, 1840	19,310 46	" 26,	" "	4770	109 39
			" "	" "	4771	200 06
	From July 1 to Aug. 7, 1840	6,768 24	Oct. 10,	" "	4854	113 41
			" 22,	" "	4888	1,046 55
			" 31,	" "	5134	700 00
			Nov. 4,	" "	6197	216 81
			" "	" "	5198	92 52
			" 8,	" "	5339	482 00
			" 26,	" "	5975	93 82
			" "	" "	5976	449 68
			" 29,	" "	6023	152 22
			" 30,	" "	6064	1,700 00
			Dec. 2,	" "	6068	475 00
			" "	" "	6072	895 75
			" "	" "	6089	501 23
			" 6,	" "	6192	681 55
			" 9,	" "	6231	99 75
			" "	" "	6237	1,000 00
			" 10,	" "	6309	163 05
			" "	" "	6313	132 53
			" "	" "	6317	190 35
			" "	" "	6318	329 01
			" "	" "	6390	1,070 93

Wm. McQueen in account with the U. S. Continued.

1839.			1839.		No.	
			Dec. 11,	By draft dr'n this day	6322	$760 62
			" 12,	" "	6407	312 50
			" 13,	" "	6451	475 66
			" 14,	" "	6474	35 00
			" "	" "	6483	58 84
			" "	" "	6489	50 86
			" "	" "	6490	113 97
			" 20,	" "	6524	161 59
			" "	" "	6532	52 81
			" "	" "	6535	260 84
			" "	" "	6542	85 93
			" "	" "	6544	341 00
			" "	" "	6546	61 78
			" "	" "	6547	54 47
			" "	" "	6548	15 47
			" 23,	" "	6650	193 75
			" "	" "	6652	357 86
			" "	" "	6653	265 09
			" "	" "	6656	199 38
			" "	" "	6660	66 96
			" "	" "	6661	23 50
			" 26,	" "	6776	4 42
			" 27,	" "	6839	79 36
			" "	" "	6841	149 22
			" "	" "	6847	200 00
			" "	" "	6850	95 14
			" "	" "	6851	208 89
Amount carried for'd		$76,347 13		Amount carried for'd		$20,406 87
				By amount brought forward.....		20,406 87
To amount brought forward.....		76,347 13	Dec. 27,	By draft drawn this day	6852	134 75
			" "	" "	6853	75 00
			" "	" "	6854	540 93
			" 31,	" "	6923	113 34
			" "	" "	6924	172 95
			1840.			
			Jan. 3,	" "	6937	2,433 60
			" 9,	" "	6963	388 03
			" "	" "	6964	974 72
			" 16,	" "	7004	23 83
			" 20,	" "	7033	200 00
			Feb. 3,	" "	7075	207 40
			" 11,	" "	7469	127 50
			" 14,	" "	7725	172 73
			" "	" "	7720	594 50
			" 20,	" "	7954	500 00
			" 22,	" "	8057	4,000 00
			" 28,	" "	8251	8 23
			" 29,	" "	8281	3,000 00
			Mar. 2,	" "	8321	112 96
			" "	" "	8322	261 63
			" 6,	" "	8421	702 24
			" 9,	" "	8499	97 35
			" "	" "	8500	177 26
			" "	" "	8501	778 57
			" "	" "	8502	73 23
			" "	" "	8504	184 73

William McCulloch in account with the U. S.—Continued.

			1840.			No.	
			Mar. 10,	By draft dr'n this day		8531	$1,810 31
			" 17,	" "		8715	173 76
			" "	" "		8718	539 10
			" "	" "		8719	980 50
			" "	" "		8726	170 81
			" "	" "		8727	1,346 01
			" 23,	" "		8932	872 82
			" "	" "		8937	213 82
			" 30,	" "		9136	91 73
			" "	" "		9137	1,067 85
			" "	" "		9145	114 94
			" "	" "		9152	143 58
			" "	" "		9159	174 00
			" 31,	" "		9183	238 63
			" "	" "		9186	833 76
			" "	" "		9187	75 00
			Apr. 8,	" "		9250	191 93
			" "	" "		9251	445 63
			" "	" "		9305	83 83
			" "	" "		9306	447 05
			" 25,	" "		9415	97 50
			" "	" "		9436	300 42
			" 28,	" "		9466	73 33
			" "	" "		9467	183 20
			May 6,	" "		9576	2,000 00
			" 7,	" "		9603	816 00
			" 28,	" "		180	870 00
			" "	" "		192	1,485 99
			" 30,	" "		208	64 94
			" "	" "		209	212 50
			" "	" "		214	121 01
			" "	" "		215	173 98
			" 27,	" "		688	123 86
			" 28,	" "		782	83 27
			" "	" "		785	244 21
			June 4,	" "		983	727 46
Amount carried for'd		$76,347 13		Amount carried for'd			$54,055 08
To amount brought forward		$76,347 13	1840.			No.	
				By amount brought forward			$54,055 08
			June 8,	By draft drawn this day		1054	890 00
			" 15,	" "		1213	665 00
			" 25,	" "		1365	74 17
			Aug. 10,	By this sum, paid D. Prieur, acting postmaster			516 96
				By this sum, paid for transporting mails at sundry times, from April 5th to June 27, 1840, per steamboat to Alexandria and Natchitoches			85 00
				Balance			$20,060 92
		$76,347 13					$76,347 13
To balance		$20,060 92					
Interest from Aug. 7, 1840							

I certify that the foregoing is a true and correct statement of the accounts of William McQueen, late postmaster at New Orleans, La., as audited and adjusted in this office.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [L. S.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

[C.]

Copy of bond annexed.

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, State of Louisiana, and L. Bringier, Jas. B. Wilkinson, Jno. L. Lewis, Jno. R. Grymes, C. Roselius, and M. Marigny, are held and firmly bound unto the United States of America, in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this 8th day of June, in the year of our Lord one thousand eight hundred and forty.

The condition of the above obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid: now, if the said William McQueen shall well and truly execute the duties of the said office according to law and the instructions of the Postmaster General, and faithfully, once in three months, and oftener if thereto required, render accounts of his receipts and expenditures as postmaster, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands, for the postage of whatever is by law chargeable with postage, in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and moreover shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he, as agent as aforesaid, shall receive for the use and benefit of the said Post Office Department, then the above obligation shall be void.

WM. McQUEEN, [SEAL.]
L'S BRINGIER,
[L. S.] JOS. B. WILKINSON, [SEAL.]

[L. s.] JNO. L. LEWIS, [SEAL.]
[L. s.] JOHN R. GRYMES, [SEAL.]
C. ROSELIUS, [SEAL.]
M. MARIGNY. [SEAL.]

Witnesses: J. J. HEBERT.
M. GREINER.

I hereby certify L's Bringier, Jos. B. Wilkinson, John L. Lewis, John R. Grymes, C. Roselius, and M. Marigny, are good and sufficient sureties, severally, for the amount of the penalty in the foregoing bond.

A. P. JACKSON, *Judge.*

I certify, that the within transcript is a true and correct copy of the original bond, now on file in my office, of William McQueen, as postmaster at the city of New Orleans, in the State of Louisiana, and that the same pertains to the account of the said William McQueen, as late postmaster in the city, and State aforesaid; and I further certify, that the signature of the judge appended to his certificate for the authentication of said original bond being partially illegible, is understood to be A. P. Jackson, as transcribed.

In testimony whereof, I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, this twen-
[L. s.] tieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

Copy of bond annexed.

[D.]

Know all men by these presents, that we, William McQueen, of New Orleans, in the parish of Orleans, and State of Louisiana, and John L. Lewis, Lewis Bringier, C. Roselius, Carlile Pollock, and Mandeville Marigny, all of the city of New Orleans, State of Louisiana, are held and firmly bound unto the United States of America in the just and full sum of fifty thousand dollars; for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

In witness whereof we have hereunto subscribed our names and affixed our seals, this nineteenth day of August, in the year of our Lord one thousand eight hundred and thirty-nine.

The condition of this obligation is such, that whereas the above bounden William McQueen is postmaster at New Orleans aforesaid:

Now, if the said William McQueen shall well and truly execute the duties of the said office according to law and the instructions of the Postmaster General, and faithfully, once in three months, and oftener if thereto required, render accounts of his receipts and expenditures, as

postmaster, to the Post Office Department, in the manner and form prescribed by the Postmaster General in his several instructions to postmasters, and shall pay the balance of all moneys that shall come to his hands, for the postage of whatever is by law chargeable with postage, in the manner prescribed by the Postmaster General of the United States for the time being; and shall also faithfully do and perform, as agent for the Post Office Department, all such acts and things as may be required of him by the Postmaster General; and moreover, shall faithfully account with the United States, in the manner directed by the said Postmaster General, for all moneys, bills, bonds, notes, receipts, and other vouchers, which he as agent as aforesaid shall receive for the use and benefit of said Post Office Department, then the above obligation shall be void.

JNO L. LEWIS, [SEAL.]
LS. BRINGIER, [SEAL.]
C. ROSELIUS, [SEAL.]
CARLILE POLLOCK, [SEAL.]
WM. McQUEEN, [SEAL.]
M. MARIGNY. [SEAL.]

Witness—EDW. GOTTSCHALK,
JACOB HART.

I hereby certify, that the above named individuals are, to the best of my knowledge and belief good and sufficient sureties, severally, for the amounts of the penalty in the foregoing bond.

A. P. JACKSON,
Associate judge of the city court of New Orleans.

STATE OF LOUISIANA, *city of New Orleans.*

I do hereby certify, that personally appeared before me, A. P. Jackson, associate judge of the city court of New Orleans, Edward Gotschalk and Jacob Hart, to me well known, and who signed their names as witnesses to the within bond in my presence.

In witness whereof I have hereunto put my hand, this 19th day of August, 1839.

A. P. JACKSON,
Associate judge of the city court of New Orleans.

I certify, that the foregoing and within transcript is a true and correct copy of the original bond, now on file in my office, of William McQueen, as postmaster at the city of New Orleans, in the State of Louisiana, and that the same pertains to the account of the said Wm. McQueen, as late postmaster in the city and State aforesaid; and I further certify, that the signature of the judge, appended to his certificate for the authentication of said original bond, being partially illegible, is understood to be A. P. Jackson, as transcribed.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

I certify, that the annexed transcript, numbered marginally from 1 to 21, inclusive, with red ink, are, as they severally purport to be, just and true copies from the files in my office of papers pertaining to the accounts of William McQueen, late postmaster at New Orleans, Louisiana.

In testimony whereof I have hereunto subscribed my name and caused to be affixed my seal of office, at Washington, on this [SEAL.] twentieth day of April, in the year one thousand eight hundred and forty-two.

ELISHA WHITTLESEY,
Auditor of the Treasury for the Post Office Department.

And afterwards, to wit, on the 15th day of August, A. D. 1844, a writ of fi. fa. was issued from the clerk's office of this court, which reads in these words and figures, to wit:

Circuit court of the United States, for the fifth circuit, holding sessions in and for the eastern district of Louisana.

The President of the United States, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John L. Lewis, Mandeville Marigny, C. Roselius, and Carlile Pollock, jointly and severally, the sum of twelve thousand one hundred and three dollars and thirty-eight cents, with interest at six per cent. per annum from eighth day of June, eighteen hundred and forty, till paid, and the costs of this court.

Clerk's fees - - -	$129 31
Dist. att'y tax fee - - -	17 00
Marshal's fees - - -	

Cash which the United States of America lately recovered by judgment of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, and if they shall not pay the same on demand, that then you cause the same to be made out of the personal estate of the said John L. Lewis, Mandeville Marigny, C. Roselius, and C. Pollock, in solido, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John L. Lewis, M. Marigny, C. Roselius, and C. Pollock, in solido, exclusive of slaves, cannot be found in your district, that then you cause the sum to be made out of the real estate and slaves of the said J. L. Lewis, M. Marigny, C. Roselius, and C. Pollock, in solido, in your district, whereof they were owners on the eleventh day of April, 1843, into whose hands the same may have come; and that you have those said moneys before our said court, to render to the said United States of America, for the judgment aforesaid, on the seventieth day from the date hereof, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Su-

preme Court of the United States, this fifteenth day of August, A. D. 1844, and 69th year of the independence of the United States.

[SEAL.] For D. N. HENNEN, *Clerk*,
J. Q. A. HOIT, *Deputy Clerk*.

Marshal's return.

Received August 15th, '44, and by an arrangement with the district attorney, this writ is ordered to be returned.

A. SIDNEY ROBERTSON, *U.* [*S.*] *M.*

And afterwards, to wit, on the 15th day of August, A. D. 1844, this writ of fi. fa. was issued from the clerk's office of this court, which reads as follows, to wit:

Circuit court of the United States, for the fifth circuit, holding sessions in and for the eastern district of Louisiana.

The President of the United States, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded, that you demand from Louis Bringier the sum of twenty thousand and sixty dollars and ninety-two cents, with interest thereon from the seventh day of August, eighteen hundred and forty, at the rate of six per cent. per annum, till paid, and costs of suit.

Clerk's fees - - -	$29 00
Dist. att'y tax fee - - -	17 00
Marshal's fees - - -	

Cash which the United States of America lately recovered by judgment of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana; and if L. Bringier shall not pay the same on demand, that then you cause the same to be made out of the personal estate of the said Louis Bringier, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said Louis Bringier, exclusive of slaves, cannot be found in your district, that then you cause the sum to be made out of the real estate and slaves of the said Louis Bringier, in your district, whereof he was owner on the 2d day of July, 1842, into whose hands soever the same may have come; and that you have those moneys before our said court, to render to the said United States of America, for the judgment aforesaid, on the seventieth day from date hereof, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this fifteenth day of August, A. D. 1844, and 69 year of the independence of the United States.

[SEAL.] For D. N. HENNEN, *Clerk*.
J. Q. A. HOIT, *Deputy Clerk*.

Marshal's return.

Received August 15th, 1844, and on the 17th I made a demand of the within named Louis Bringier for the amount of this writ, which he

refused to pay. I then demanded property, which he refused to surrender, and after diligent inquiry, I could find no property in the name of the within L. Bringier; this writ is therefore returned, no property found. A. SIDNEY ROBERTSON, *U. S. M.*

And afterwards, to wit, on the 29th day of April, 1846, this writ of fi. fa. was issued from the clerk's office of said court, which reads in these words and figures, to wit:

Circuit court of the United States, for the fifth circuit, holding sessions in and for the district of Louisiana.

The President of the United States, to the marshal of the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from Louis Bringier the sum of twenty thousand and sixty dollars and $\frac{70}{100}$, with interest thereon at the rate of six per cent. from and after the 7th day of August, 1840, till paid, and the costs of this suit.

Clerk Randolph's costs $1.70, cash, which United States recovered by judgment of the circuit court of the United States for the ninth circuit and eastern district of Louisiana; and if he shall not pay the same on demand, that then you cause the same to be made out of the personal estate of the said Louis Bringier, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said Louis Bringier, exclusive of slaves, cannot be found in your district, that then you cause the sum to be made out of the real estate and slaves of the said Louis Bringier in your district, whereof he was owner on the ninth day of November, 1843, into whose hands soever they may have come; and that you have those moneys before our said court, to render to the said United States for the judgment aforesaid, on the seventieth day from date hereof, together with this writ.

Witness the honorable R. B. Taney, chief justice of the Supreme Court of the United States, this 29th day of April, A. D. 1846, and 70th year of the independence of the United States.

[SEAL.]

ED. RANDOLPH, *Clerk.*
By F. A. HARALSON, *D. Clk.*

Attached to marshal's return.

THE UNITED STATES vs. JOHN L. LEWIS et al. } No. 961.

United States marshal's office, district of Louisiana.

To N. R. Jennings, esq., clerk of the United States district court for the district of Louisiana.

Please to take notice, that, by virtue of a writ of fieri facias to me directed by the honorable the circuit court of the United States in the

and aforenamed, I seize in your hands the goods and chattels, lands and tenements, rights and credits, moneys, effects, or property of any kind, and particularly all the right, title, and interest of the said Louis Bringier in and to the suit of Thomas Curry and Rice Garland vs. The United States, No. of the docket of your said court, which you may now or hereafter have belonging to the said defendant, Louis Bringier, or as much thereof as will satisfy this writ, say the sum of twenty thousand and sixty $\frac{00}{100}$ dollars, interest and costs; which sum you will please pay over to me without delay in satisfaction of the said writ of fieri facias.

New Orleans, thirtieth April, 1846.

Your obedient servant,

W. F. WAGNER, *U. S. Marshal.*

Marshal's return.

Received April 29th, 1846, made the seizure described in the notice hereto attached, from which seizure nothing came into my hands—no other property found.

W. F. WAGNER, *U. S. Marshal.*

And afterwards, to wit, on the 13th day of April, A. D. 1843, a motion was made by the counsel for the defence for a new trial, which was entered upon the minutes of the court in these words and figures, to wit:

THE UNITED STATES
vs. } No. 961.
JOHN L. LEWIS et al.

On motion of S. Barton and G. Strawbridge, esquires, of counsel for defendants, it is ordered that the plaintiffs show cause on Tuesday, the eighteenth instant, at ten o'clock, a. m., why there should not be a new trial granted in the above entitled suit, on the ground that the verdict rendered is contrary to law and evidence, and against the charge of the court. In the state of the pleadings and proofs, the charge should have instructed the jury that the plaintiffs were not entitled to a verdict.

And afterwards, on the same day, the following order in this case was entered upon the minutes, which reads in these words and figures, to wit:

The verdict of a jury having by consent of parties been returned to the clerk when the court was not in session; now, upon motion of Balie Peyton, esquire, district attorney, and the jury being recalled into court, they were permitted to amend their verdict by inserting the words "from 8th day of June, 1840, till paid," after the word interest, so as to read, verdict for plaintiffs in the sum of twelve thousand one hundred three dollars and thirty-eight cents, with six per cent. interest from the eighth day of June, one thousand eight hundred and forty, till paid.

And afterwards, on the same day, to wit, the 13th day of April, A. D.

1843, of said court, this order was entered upon the minutes, which reads in these words and figures, to wit:

The UNITED STATES
vs. } No. 961.
JOHN L. LEWIS et al.

And now come the defendants by their attorneys and move the court in arrest of judgment, and assign as reasons therefor the following, to wit:

First. There is a misjoinder of causes of action in this, that the said two bonds sued are not each signed by all the parties, defendants, nor involve a common, joint, and several liability as the petition imputes.

Second. There is a misjoinder of parties, in this, that the defendant Pollock is not an obligor on the bond dated the 8th of June, one thousand eight hundred and forty; nor can he be rightfully joined with other parties in an action whenever the liabilities imputed to accrue upon said bond are sought to be enforced.

Third. There is a misjoinder of parties, in this, that all the obligors named in the last mentioned bond are not included in, nor their liabilities attempted to be enforced in the present action.

Fourth. A gross judgment in solido against all the defendants is prayed for, (as common sureties for Mr. McQueen, the principal obligor,) for a gross balance of twenty thousand and sixty dollars and ninety-two cents and interest, by virtue of their joint and several liabilities upon the two bonds sued upon.

Whereas the liabilities (if any) of the defendants are different, and call for different (if any) judgments against them.

Fifth. The motion of the district attorney to discontinue part of his action, after the cause was submitted to the jury, should have been disallowed; but being allowed, it operated a discontinuance of the whole action.

Sixth. The court erred in its admissions and exceptions of the testimonies specially referred to in the several bills of exceptions.

And the court adjourned until Saturday, the 15th instant, at ten o'clock, a. m.

And afterwards, to wit, on the 19th day of April, 1843, this order was entered upon the minutes of this court, which reads in these words and figures, to wit:

UNITED STATES
vs. } No. 961.
JOHN L. LEWIS et al.

The court having maturely considered the motion for a new trial in this case, do now order, adjudge, and decree, that said motion be overruled, and a rehearing refused.

And afterwards, to wit, on the same day of the same term of said court, this order was also entered upon the minutes of said court, which reads as follows, to wit:

The United States
vs.
John L. Lewis et al. } No. 961.

The court having considered the grounds in arrest of judgment filed by the defendants in this case, now order, adjudge, and decree, that the same be overruled.

Final judgment.

The United States
vs.
John L. Lewis et al. } No. 961.

In this case, it appearing to the court that judgment by default has been duly entered up against Louis Bringier, one of the defendants, and more than three judicial days having elapsed since the taking of the same, and no motion having been made to set the same aside and for filing an answer, and plaintiffs having fully made out their case, on motion of Bailie Peyton, esquire, of counsel for plaintiff, it is ordered by the court that judgment by default be confirmed, and that final judgment be entered up in favor of the plaintiffs, and against the defendant Louis Bringier, for the sum of twenty thousand and sixty dollars and ninety-two cents, with interest thereon from the 7th of August, eighteen hundred and forty, at the rate of six per cent. per annum till paid, and for costs of suit.

Judgment entered up July 2d, 1842. Signed Nov. 9th, 1843.

THEO. H. McCALEB, *U. S. Judge*.

I, Edmund Randolph, clerk of the circuit court of the United States, in and for the fifth circuit and eastern district of Louisiana, do hereby certify, that the foregoing one hundred pages contain a full, true, and complete transcript of the record and proceedings in the case of "the United States vs. Wilkinson, Grymes, et al.," number 1727 of the docket, so far as the same now remains on file and of record in this court.

In testimony whereof I have hereunto set my hand, and seal of said court, at the city of New Orleans, this 25th day of September, A. D. 1849.

[SEAL.]

EDMUND RANDOLPH, *Clerk*.
Per J. W. GURLEY, *D'y Clerk*.

United States of America, circuit court of the United States, for the fifth circuit and eastern district of Louisiana.

I, Theodore H. McCaleb, United States judge for the eastern district of Louisiana, do hereby certify, that Edmund Randolph, whose name is signed to the above certificate as clerk of the circuit court of the United States, for the eastern district of Louisiana, was at the time of signing said certificate, and is now, the clerk of said court; that said

certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

I further certify, that J. W. Gurley, who signed said Edmund Randolph's name as clerk, was, at the time of signing the same, [SEAL.] the duly appointed and qualified deputy clerk of said Edmund Randolph.

Given under my hand and seal, at New Orleans, in the eastern district of Louisiana, this twenty-fifth day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the honorable the judges of the circuit court of the United States, in and for the fifth circuit, and holding sessions for the eastern district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or some of you, between the United States and Wilkinson, Grymes, et als., a manifest error hath happened, to the great damage of the said United States, as by their complaint appears.

We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court of the United States, this twelfth of June, in [SEAL.] the year of our Lord one thousand eight hundred and forty-nine.

ED. RANDOLPH,
Clerk of the United States circuit court and eastern district of Louisiana.
Per J. W. GURLEY,
D'y Clerk.

The United States of America, to John R. Grymes, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern division of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error, to show cause, if any there be, why the judgment rendered against the said

plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of June, in the [SEAL.] year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Received June 13th, 1849, and on the 15th instant served copy of citation in error on Mr. John R. Grymes, by handing the same to him in person at New Orleans.

M. M. THOMAS,
D'y marshal.

The United States of America, to C. Roselius, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error to show cause, if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of [SEAL.] June, in the year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Received June 13th, 1849, and on the 15th instant served copies of citation in error on C. Roselius, by handing the same to him in person at New Orleans.

Returned June 16th, 1849.

M. M. THOMAS,
U. S. marshal.

The United States of America, to John L. Lewis, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit

and eastern district of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of June, in the year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Rec'd June 13, 1849, and on the 14th instant served [a] copy of the within citation in error on John L. Lewis, by handing the same to him in person at New Orleans.

Returned June 16, 1849. M. M. THOMAS,
Dp'y Marshal.

The United States of America, to L. Bringier, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of June, in the year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Rec'd June 13, 1849, and on the 15th inst. served [a] copy of [the within] citation of error on L. Bringier, by handing the same to him in person at New Orleans.

M. M. THOMAS.

The United States of America, to M. Marigny, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error, to show cause,

if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of June, in the year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Rec'd June 13, 1849, and on the 18th of June, 1849, served copy of the within citation in error on M. Marigny, esq., in person in the city of New Orleans.

Returned the 18th June, 1849.

O. P. WATSON,
Dp'y Marshal.

The United States of America, to Jos. B. Wilkinson, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the first Monday in December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, wherein the United States are plaintiffs in error, and you et al. are defendants in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this twelfth day of June, in the year of our Lord one thousand eight hundred and forty-nine.

THEO. H. McCALEB,
U. S. Judge.

Marshal's return.

Rec'd June 13th, 1849, and on the 1st November, 1849, served a copy of the within citation in error on J. B. Wilkinson, esq., by handing the same to him in person at his domicil in the parish of Plaquemine, 45 miles from New Orleans.

Returned Nov. 3d.

N. W. BUTLER,
D'y U. S. Marshal.